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PART IV

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 911—Legis. 4-52-24, Bangalore, dated 19th August 1952.

Ordered that the Essential Goods (Declaration and Regulation of Tax on Sale or Purchase) Act, 1952 (Central Act No. LII of 1952), published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 11th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 9th August 1952.

GOVERNMENT OF INDIA.

MINISTRY OF STATES.

THE ESSENTIAL GOODS (DECLARATION AND REGULATION OF TAX ON SALE OR PURCHASE) ACT, 1952

(LII OF 1952)

AN

ACT

to declare, in pursuance of clause (3) of article 286 of the Constitution, certain goods to be essential for the life of the community.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Essential Goods (Declaration and Regulation of Tax on Sale or Purchase) Act, 1952.

2. **Declaration of certain goods to be essential for the life of the community.**—The goods specified in the Schedule are hereby declared to be essential for the life of the community.

3. **Regulation of tax on sale or purchase of essential goods.**—No law made after the commencement of this Act by the legislature of a State imposing, or

authorising the imposition of, a tax on the sale or purchase of any goods declared by this Act to be essential for the life of the community shall have effect unless it has been reserved for the consideration of the President and has received his assent.

THE SCHEDULE

[*See* section 2.]

Goods declared essential for the life of the community.

1. Cereals and pulses in all forms, including bread and flour, including atta-maida, suji and bran (except when any such article is sold in sealed containers).

2. Fresh and dried fruits, sugar-cane, cocoanuts, vegetables, e ible tubers, vegetable and flower seeds, bulbs and plants, excluding orchids [except (i) any medicine prepared from any one or more of such articles; and (ii) when any such article is sold in sealed containers].

3. Fresh milk, whole or separate, and milk products, including butter, ghee, chana, khoa, but excluding sweetmeats.

4. Meat, fish and eggs (except when any such article is sold in sealed containers).

5. Edible oils, and oilseeds from which edible oils are extracted.

6. Gur.

7. Salt.

8. All cloth, woven on hand-looms, coarse and medium cotton cloth made in mills or woven on power-looms.

Explanation 1.—"Coarse cloth" means any cloth in which the count of warp yarn employed (excluding the border) is below 17s. (whether single or folded).

Explanation 2.—"Medium cloth" means any cloth in which the count of warp yarn employed (excluding the border) is 17s. or finer but is less than 35s. (whether single or folded).

9. Raw cotton, including ginned and unginned cotton or kapas, cotton thread, cotton yarn, cotton seeds, jute seeds, raw jute, sunn hemp, and mesta.

10. Hides and skins.

11. Fertilisers and manures, agricultural machinery and implements, including parts of such machinery and implements.

12. Cattle feeds.

13. Coal including coke and other derivatives, petroleum and petroleum products, including kerosene and motor spirit.

14. Iron and steel.

15. Books, exercise books, slates and slate pencils and periodical journals.

K. Y. BHANDARKAR,

Secretary to the Government of India.

NOTIFICATION.

No. L.D. 912—Legis. 4-52-25, Bangalore, dated 19th August 1952.

Ordered that the Notaries Act, 1952 (Central Act No. LIII of 1952) published in the *Gazette of India* Extraordinary, Part II, Section 1, dated the 11th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 9 th August 1952.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE NOTARIES ACT, 1952.

(LIII OF 1952).

AN

ACT

to regulate the profession of notaries.

BE it enacted by Parliament as follows :—

1. Short title, extent and commencement.—(*1*) This Act may be called the Notaries Act, 1952.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "India" means the territories to which this Act extends,

(*b*) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;

(*c*) "legal practitioner" means any advocate or agent of the Supreme Court or any advocate, vakil or attorney of any High Court or any pleader authorised under any law for the time being in force to practise in any court of law;

(*d*) "notary" means a person appointed as such under this Act:

Provided that for a period of two years from the commencement of this Act it shall include also a person who, before such commencement, was appointed a notary public either under the Negotiable Instruments Act, 1881 (XXVI of 1881), or by the Master of Faculties in England, and is, immediately before such commencement, in practice in any part of India;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "Register" means a Register of Notaries maintained by the Government under section 4,

(*g*) "State Government", in relation to a Part C State, means the Lieutenant Governor, or, as the case may be, the Chief Commissioner.

3. Power to appoint notaries.—The Central Government, for the whole or any part of India, and any State Government, for the whole or any part of the State, may appoint as notaries any legal practitioners or other persons who possess such qualifications as may be prescribed.

4. Registers.—(*1*) The Central Government and every State Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that Government and entitled to practise as such under this Act.

(*2*) Every such Register shall include the following particulars about the notary whose name is entered therein, namely:—

(*a*) his full name, date of birth, residential and professional address;

(*b*) the date on which his name is entered in the Register;

(*c*) his qualifications; and

(*d*) any other particulars which may be prescribed.

5. Entry of names in the Register and issue or renewal of certificates of practice.—(*1*) Every notary who intends to practise as such shall, on payment to the Government appointing him of the prescribed fee, if any, be entitled—

(*a*) to have his name entered in the Register maintained by that Government under section 4, and

(*b*) to a certificate authorising him to practise for a period of three years from the date on which the certificate issued to him.

(*2*) Every such notary who wishes to continue to practise after the expiry of the period for which his certificate of practise has been issued under this section shall, on application made to the Government appointing him and payment of the prescribed fee, if any, be entitled to have his certificate of practice renewed for three years at a time.

6. Annual publication of lists of notaries.—The Central Government and every State Government shall, during the month of January each year, publish in the Official Gazette a list of notaries appointed by that Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

7. Seal of notaries.—Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.

8. Functions of notaries.—(*1*) A notary may do all or any of the following acts by virtue of his office, namely:—

(*a*) verify, authenticate, certify or attest the execution of any instrument;

(*b*) present any promissory note, hundi or bill of exchange for acceptance or payment or demand better security;

(*c*) note or protest the dishonour by non-acceptance or non-payment of any promissory note, hundi or bill of exchange or protest for better security or prepare acts of honour under the Negotiable Instruments Act, 1881 (XXVI of 1881), or serve notice of such note or protest;

(*d*) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters;

(*e*) administer oath to, or take affidavit from, any person;

(f) prepare bottomry and respondentia bonds, charter parties and other mercantile documents;

(g) prepare, attest or authenticate any instrument intended to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate;

(h) translate, and verify the translation of, any document from one language into another;

(i) any other act which may be prescribed.

(2) No act specified in sub-section (1) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

9. Bar of practice without certificate.—(1) Subject to the provisions of this section, no person shall practise as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5:

Provided that nothing in this sub-section shall apply to the presentation of any promissory note, hundi or bill of exchange for acceptance or payment by the clerk of a notary acting on behalf of such notary.

(2) Nothing contained in sub-section (1) shall, until the expiry of two years from the commencement of this Act, apply to any such person as is referred to in the proviso to clause (d) of section 2.

10. Removal of names from Register.—The Government appointing any notary may, by order, remove from the Register maintained by it under section 4 the name of the notary if he—

(a) makes a request to that effect; or

(b) has not paid any prescribed fee required to be paid by him; or

(c) is an undischarged insolvent; or

(d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practise as a notary.

11. Construction of reference to notaries public in other laws.—Any reference to a notary public in any other law shall be construed as a reference to a notary entitled to practise under this Act.

12. Penalty for falsely representing to be a notary, etc.—Any person who—

(a) falsely represents that he is a notary without being appointed as such, or

(b) practises as a notary or does any notarial act in contravention of section 9.

shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

13. Cognizance of offence.—(1) No court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Act save upon complaint in writing made by an officer authorised by the Central Government or a State Government by general or special order in this behalf.

(2) No magistrate other than a presidency magistrate or a magistrate of the first class shall try an offence punishable under this Act.

14. Reciprocal arrangements for recognition of notarial acts done by foreign notaries.—If the Central Government is satisfied that by the law or practice of any country or place outside India, the notarial acts done by notaries within India are recognised for all or any limited purposes in that country or place, the Central Government may, by notification in the Official Gazette, declare that the notarial acts lawfully done by notaries within such country or place shall be recognised within India for all purposes or, as the case may be, for such limited purposes as may be specified in the notification.

15. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the qualifications of a notary, the form and manner in which applications for appointment as a notary may be made and the disposal of such applications;

(*b*) the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish;

(*c*) the fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, and exemption, whether wholly or in part, from such fees in specified classes of cases;

(*d*) the fees payable to a notary for doing any notarial act;

(*e*) the form of Registers and the particulars to be entered therein;

(*f*) the form and design of the seal of a notary;

(*g*) the manner in which inquiries into allegations of professional or other misconduct of notaries may be made;

(*h*) the acts which a notary may do in addition to those specified in section 8 and the manner in which a notary may perform his functions;

(*i*) any other matter which has to be, or may be, prescribed.

16. Amendment of Act XXVI of 1881.—In the Negotiable Instruments Act, 1881,—

(*i*) in section 3, the definition of "notary public" shall be omitted;

(*ii*) Chapter XVII shall be omitted.

K. Y. BHANDARKAR,

Secretary to the Government of India.

NOTIFICATION.

No. L.D. 914—Legis. 4-52-23, Bangalore, dated 19th August 1952.

Ordered that the Central Silk Board (Amendment) Act, 1952 (Central Act No. LVI of 1952), published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 11th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 9th August 1952.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE CENTRAL SILK BOARD (AMENDMENT) ACT, 1952,

(LVI OF 1952)

AN

ACT

further to amend the Central Silk Board Act, 1948.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Central Silk Board (Amendment) Act, 1952.

2. **Amendment of section 4, Act LXI of 1948.**—In section 4 of the Central Silk Board Act, 1948 (hereinafter referred to as the principal Act), for clause (*c*) of sub-section (*3*), the following clause shall be substituted, namely :—

"(*c*) three persons elected by the members of the House of the People from among themselves and one person elected by the members of the Council of States from among themselves ;".

3. **Amendment of section 6, Act LXI of 1948.**—In section 6 of the principal Act, in sub-section (*1*), for the words "The Board shall elect from among its members" the words "The Central Government shall appoint from among the members of the Board" shall be substituted.

4. **Amendment of section 13, Act LXI of 1948.**—In section 13 of the principal Act, in clause (*b*) of sub-section (*2*), the words "the election of the Vice-Chairman of the Board ; and" shall be omitted.

K. Y. BHANDARKAR,
Secretary to the Government of India.

NOTIFICATION.

No. L.D. 915—Legis. 4-52-30, Bangalore, dated 19th August 1952.

Ordered that the National Cadet Corps (Amendment) Act, 1952 (Central Act No. LVII of 1952), published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 12th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 11th August 1952.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NATIONAL CADET CORPS (AMENDMENT) ACT, 1952

(LVII OF 1952)

AN

ACT

further to amend the National Cadet Corps Act, 1948.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the National Cadet Corps (Amendment) Act, 1952.

2. Amendment of Section 12, Act XXXI of 1948.—In sub-section (1) of Section 12 of the National Cadet Corps Act, 1948, for clause (*i*), the following clause shall be substituted, namely:—

"(*i*) two members to be elected by the House of the People and one member to be elected by the Council of States annually."

K. Y. BHANDARKAR,
Secretary to the Govt. of India.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. L.D. 923—Legis. 5-52-61, dated Bangalore, 19th August 1952.

Ordered that Notification No. S.R.O. 1255, dated the 15th July 1952, of the Ministry of Works, Housing and Supply, amending the Explosives Rules, 1940, published in the *Gazette of India*, Part II, Section 3, dated the 19th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, HOUSING AND SUPPLY.

New Delhi, the 15th July 1952.

S.R.O. 1255.—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government hereby directs that the following further amendment shall be made in the Explosives Rules, 1940, the same having been previously published, as required by section 18 of the said Act, namely:—

In clause (ii) of rule 35 of the said Rules, for the figures "Rs. 4,000", the figures "Rs. 6,000", shall be substituted.

[No. M-103(4)/52]

A. K. SEN, Under Secretary.

NOTIFICATION.

No. L.D. 944—Legis. 5-52-62, Bangalore, dated 25th August 1952.

Ordered that Notification No. S. R. O. 1331, dated the 23rd July 1952, and S. R. O. No. 1332, dated 24th July 1952 of the Ministry of Rehabilitation further amending the Evacuee Interest (Separation) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 2nd August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION

New Delhi, the 23rd July 1952.

S.R.O. 1331.—In exercise of the powers conferred by section 23 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby directs that the following further amendments shall be made in the Evacuee Interest (Separation) Rules, 1951, namely :—

In the said rules,—

(*a*) in rule 2, in clause (d), after the words "means the" the words "institution and" shall be inserted ;

(*b*) in sub-rule (2) of rule 7 after the word "envelopes" the words and brackets "(each of them bearing stamps of the value required for registering it with acknowledgment due)" shall be inserted ;

(*c*) for sub-rule (1) of rule 11, the following sub-rule shall be substituted, namely :—

(1) "A general notice shall be served—

(i) by publishing it in the official Gazette or in a local paper having circulation in the locality and

(ii) by affixing a copy thereof on some conspicuous place in the Office of the Competent Officer.

Explanation.—A general notice published in the official Gazette or in a local newspaper may relate to more than one composite property.

(2) In sub-rule (2) of rule 11 :—

(i) for clause (c) following clause shall be substituted, namely :—

"(c) by registered letter addressed to the person concerned at his last known address, with acknowledgment due".

(ii) the proviso shall be omitted.

(*d*) after rule 13 the following rule shall be inserted, namely :—

"14. *Fees.*—(1) The following fees shall be charged when an application for a copy of an order or any other document is made to the Competent Officer or any other authority exercising any jurisdiction under the Act :—

(*a*) First two hundred words or under—Re. 1.
Every additional hundred words or fraction thereof,—As. 8.

(b) An additional fee of Re. 1 shall be charged for a copy urgently required.

(c) A search fee at the rate of Re. 1 shall be levied if no Index No. or Registration No. is given in the application for a copy.

(2) Fees leviable under sub-rule (1) shall be paid in the form of an Indian Postal Order crossed in the name of the Competent Officer concerned."

[No. 82 (13)/51-Prop.]

New Delhi, the 24th July 1952.

S.R.O. 1332.—In exercise of the powers conferred by section 23 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby directs that the following further amendments shall be made in the Evacuee Interest (Separation) Rules, 1951, namely:—

In the said Rules,—

(a) in rule 9, for the words 'for the hearing of the claim' the words 'within which a written statement under rule 10 may be filed' shall be substituted;

(b) after rule 14 the following rule shall be inserted, namely :—

"15. *Register of Composite properties.*—Every competent officer shall maintain in Form 'H' a register of composite properties in respect of which a general notice or a notice to any individual person has been issued under sub-section (1) of section 6 of the Act."

(c) after form 'G' following form shall be inserted, namely :—

FORM H.

Form of Register of Composite Properties.

(*See* Rule 15)

FORM H.

REGISTER OF COMPOSITE PROPERTIES LISTED BY CUSTODIANS AND CONTAINED IN APPLICATIONS UNDER SECTION 6.

S. No.	Information from Custodians	Applications	Date of receipt	Description of composite property	Serial number in Register E, if claim is filed	Date of order of competent officer declaring the property to vest in the Custodian free from encumbrances and liabilities in case no claim is filed.	Remarks
1	2	3	4	5	6	7	8

[No. 82 (13)/51-Prop.]

MANMOHAN KISHAN, Asst. Secy.

14

NOTIFICATION.

No. L.D. 945—Legis 5-52-63, Bangalore, dated 25th August 1952.

Ordered that Notification No. S. R. O. 1329, dated the 26th July 1952, of the Ministry of Communications amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part, II Section 3, dated the 2nd August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(Posts and Telegraphs)

New Delhi, the 26th July 1952.

S.R.O. 1329.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following amendment shall be made in the Indian Post Office Rules, 1933, namely:

To sub-rule (1) of rule 44 of the said Rules, the following proviso shall be added namely:

Provided that during the period from the 1st July 1952 to the 30th June 1953, this sub-rule shall have effect as if for the figure '700' the figure '2,500' were substituted.

[No. C7-1/52pt]

K. V. VENKATACHALAM, Dy. Secy.

15

NOTIFICATION.

No. L. S. 2900—L.W. 76-52-6, Bangalore, dated 26th August 1952.

Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the workers and Management of the Mysore State Branches of Burma Shell Oil Storage and Distributing Coy., in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (*c*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated 28th June 1952.

POINTS OF DISPUTE.

(1) Quantum of bonus payable to the workers for the years 1947, 1948, 1949, 1950 and 1951.
(2) Fixation of scales of pay to all grades of employees.
(3) Fixation of dearness allowance payable to the employees.
(4) Payment of family allowance to the employees.
(5) Fixation of the quantum of leave for all employees of the Company.
(6) Grant of leave fares to all employees.
(7) Payment of retiring benefits to the employees.
(8) Payment of additional allowance to employees in depots.
(9) Providing uniforms for Depot staff.
(10) Grant of a Cycle allowance of Rs. 5 to Attenders.
(11) Confirmation of temporary employees after six months' of service.
(12) Filling up of vacancies of higher posts by promotion only.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

16

NOTIFICATION.

No. L. S. 2310—L.W. 183-52-4, Bangalore dated 26th August 1952.

Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the workers and the Management of M/s. K. H. Shama Rao & Sons, Bangalore, in respect of the point of dispute specified below;

2. And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

3. Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Notification No. L. S. 1515—L.W. 131-52-1, dated the 28th June 1952.

POINT OF DISPUTE.

1. To what relief, if any, the workers are entitled to for the closure of the Factory from the 7th to 18th January 1952?

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. A.F. 5344—Ft. 49-52-6, Bangalore, dated 27th August 1952.

In exercise of the powers conferred by sub-section (1) of Section 65 of the Mysore Forest Act, 1900 (Mysore Act XI of 1900) His Highness the Maharaja of Mysore is pleased to invest (1) the Forest Sub-Division Officer, Heggaddevankote, and (2) the Forest Sub-Division Officer, Chamarajanagar, with the powers specified in clauses (*c*), (*e*), (*f*), (*g*), (*h*), (*i*) and (*j*) of the said sub-section.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

NOTIFICATION.

No. L. 7928—Ml. 63-52-42, dated Bangalore, 25th August 1952.

In exercise of the powers conferred by sub-section (5) of Section 9 of the Mysore Town Municipalities Act, 1951 (Mysore Act No. XXII of 1951), His Highness the Maharaja of Mysore is pleased to specify the persons respectively executing the functions of Assistant Engineer and Assistant Surgeon, Gubbi, as persons who shall have the right to speak in and otherwise to take part in the proceedings of the Gubbi Town Municipal Council or any Committee of the said Council of which they may be named members.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

NOTIFICATION.

No. L. 8102—C.M. 49-52-2, Bangalore, dated 26th August 1952.

In exercise of the powers conferred by clause (5-a) of Section 3 of the Mysore City Municipalities Act, 1933, (Mysore Act VII of 1933), His Highness the Maharaja of Mysore is pleased to appoint the District Judge, Shimoga, to be the Election Commissioner, for the Davangere City Municipality.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,

Local Self-Government Department.

NOTIFICATION.

No. L. 8660—Ml. 152-52-3, dated Bangalore, 1st September 1952.

In exercise of the powers conferred by Section 48 (1) read with Section 80 (3) of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following Model Bye-laws for the regulation of business at the Municipal Markets and the levy of fees :—

1. (i) These bye-laws may be called the Town Municipal Market Bye-laws.

(ii) In these bye-laws, 'Municipal market' or 'market' means the place set apart by the Municipality as a market and includes the place set apart by the Municipality for the weekly shandies.

2. (i) The Municipal Market shall not be open for use by the public before 6 A.M. and after 8 P.M. on any day.

(ii) No person shall sell meat or fish in any stalls except those specifically set apart for the purpose.

3. Every person opening a shop in the Municipal Market shall pay the fee in accordance with the rates specified in the schedule below to these bye-laws.

4. Every shop-keeper or other vendor shall remove his goods before or within fifteen minutes after the time of closing the market.

5. Every shop-keeper or other vendor shall maintain all scales, weights and measures used or to be used in the market in a clean and proper order.

6. No person shall encroach upon any area in the market not specifically allotted to him for his shop.

7. No person shall be entitled to make use of any one place in the Municipal Market permanently without the written permission of the President and the President may permit the use of any one place permanently by any person on payment by him of a fixed rent for a period of not less than three months.

8. Unclaimed articles found by any person within the limits of the Municipal Market shall be handed over to the custody of the police.

9. No person shall create a disturbance in the market by signing or by beating of *tom tom* or by the use of musical instruments or by quarrelling or by using abusive language.

10. No person shall enter or loiter in any Municipal Market for the purpose of begging.

11. No person shall bring a dog into the Municipal Market.

12. No person suffering from leprosy or other loathsome or contagious disease shall enter the market nor shall such a person trade in the market.

13. No person shall answer the calls of the nature or commit any other nuisance within the limits of any Municipal Market.

14. The Municipal or Police officers on duty in the market may expel from the Municipal Market any person who is found drunk or begging or who is a lunatic or who contravenes Bye-law No. 9.

15. No person shall trade in the market unless he is in possession of the receipt for having paid the rate of market fees specified in the schedule to these bye-laws.

16. No person shall smoke or drink or do anything which causes intoxication and no person shall spit or throw fruit peels or pieces of vegetables in the market except at the places specially set apart for those purposes.

17. Any person who infringes any of the above bye-laws shall be liable to a fine not exceeding ten rupees.

SCHEDULE.

		Rs.	a.	p.
1.	Shops	0	2	0
2.	Carts laden	0	2	0
3.	Carts empty	0	1	0
4.	Piece goods each shop	0	1	0
5.	Bull, bullock, horse, ass, mule, laden or unladen ...	0	1	0
6.	Sheep or goat each	0	0	3
7.	Cock or hen each	0	0	3
8.	Fish shop each	0	0	6
9.	Mutton shop each	0	4	0
10.	Head load each	0	0	3
11.	Cocoanuts, plantains each shop	0	1	0
12.	Flowers shop each	0	0	3
13.	Jaggery each basket	0	0	3
14.	Other fruit baskets each	0	0	3
15.	Other business in the basket each	0	0	3
16.	One bundle hay	0	0	3
17.	Green grass one head load	0	0	3
18.	Baskets with oil pits each	0	0	6
19.	Other shops each	0	0	3

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

NOTIFICATION.

No. Fl. (B) 4574, dated Bangalore, 12th August 1952.

In exercise of the powers conferred by Rule 3 of the Rules under the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951 (Mysore Act XXVII of 1951), His Highness the Maharaja of Mysore is pleased to notify that the applications for grant of license under the said Act, should be submitted to the Secretary to the Government of Mysore, Finance Department, Old Public Offices, Bangalore.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

NOTIFICATION.

No. L.S. 2491—L.W. 240-51-9, Bangalore, dated 14th August, 1952.

The following draft of certain amendments to the Industrial Disputes (Mysore) Rules, 1951, which it is proposed to make in exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) is hereby published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration after 15th September 1952.

Any objections or suggestions which may be received from any persons with respect to the said draft on or before the date specified will be considered by the State Government and the objections or suggestions may be sent to the Secretary to Government, Law Department, through the Commissioner of Labour in Mysore, Bangalore.

AMENDMENTS.

Draft Amendments to the Industrial Disputes (Mysore) Rules, 1951.—After Rule 21 of the said Rules, the following rule shall be inserted, namely:—

21-A. Procedure for obtaining copies of the records of the case and the fees to be paid.—(1) A party to a dispute shall be entitled at any stage to obtain a copy of the records of the case or any portion thereof including exhibits which have been put in and finally accepted in evidence, but excluding confidential papers and office notes. A stranger to a dispute may obtain a copy of an award or any document on the record of a case except that copies of exhibits admitted in evidence shall not be given to such stranger without the consent of the person by whom they were produced or his successor in interest.

(2) Every such copy shall be prepared in the Tribunal's Office, be examined and certified as correct before it is issued.

(3) All copies shall be made on impressed and ruled sheets of the value of annas three and a half each. Each sheet contains 16 lines on which copying is to be done. Each sheet should contain not less than 100 English or 125 vernacular words.

(4) On each copying sheet used ..... pies represent the payment to the Government on account of the cost of paper, cost of printing and the commission to the stamp vendors, etc.; the remaining .....pies will represent the earnings of the copyist and examiner, the former receiving ..... pies and the latter .....pies. When the copy is ready the upper part

of each stamp must be torn off each sheet along the perforated line and then signed by the copyist and examiner and kept till the end of the month.

(5) Copying sheets shall be supplied to the Tribunal by the party applying for the copies in advance.

(6) When a party applies for immediate delivery of a copy of any such award or record, additional copying sheets of the value equal to one-half of the value of the sheets required under sub-rule 5 above shall be supplied.

(7) When the copy applied for has been prepared by the copyist, it shall be compared by the examiner aided by a reader who may be a copyist but in no case shall a copy be read to an examiner, nor shall the examiner be in any way assisted, by the copyist who prepared the copy. If in any Court no examiner has been appointed, the best qualified of the copyists shall be selected for this work. No copies shall be prepared or examined by any salaried official of the Court nor shall such official receive any remuneration therefrom. In exceptional cases where the income does not admit of the entertainment of separate copyists and examiners or where candidates to take up such posts are not available, the Tribunal may permit the salaried officials of the Tribunal to prepare or examine copies and to receive remuneration for the work done.

(8) Every copy must bear the signature of the copyist making it and the date on which it was completed and also the signature of the clerk who examined the copy and the date on which such copy was examined.

(9) If the applicant furnishes his address accompanied by a sufficient amount (in cash) to cover the cost of Registration, a copy may be sent to him by post or the copy may be delivered to him in person at the Tribunal's Office.

(10) A certified copy shall bear the seal of the Tribunal and shall be certified to be a true copy and signed by a member of the Tribunal or an official empowered to do so by the Chairman of the Tribunal.

(11) A Register shall be maintained in the office of the Tribunal in respect of applications for copies in Form J (appended to these rules).

21-B. Inspection of Records of the Tribunal.—(1) The records of any case shall not be removed from the Tribunal's premises except under orders of the Chairman or a Member.

(2) Inspection of records can only be allowed upon an application being made in Form K (appended to these rules).

(3) No record or paper of any case shall be inspected by any person other than the Chairman or a Member of the Tribunal except upon an order in writing of the Chairman or a Member of the Tribunal:

Provided that a party appearing in person in a case or a legal practitioner appearing for a party may upon filling an application in the form mentioned in sub-rule 2 above inspect a record without a formal order in writing obtained under this rule but in the presence of an official nominated by the Chairman of the Tribunal for the purpose of inspection:

Provided further that nothing in this rule shall apply to inspections made in Court under orders obtained from the Tribunal and in presence of the Court clerk.

(4) A stranger to a case shall not be entitled as of right to inspect any record or document. He may, however, apply in the prescribed form (see sub-rule 2) for an order to inspect such record or document provided that he shall not be allowed to inspect exhibits put in evidence except with the consent of his successor in interest. He must clearly state the reason for which inspection is sought.

(5) Every order by which inspection is allowed shall state the name of the person who may make such inspection.

(6) No person inspecting a record or paper shall make any mark on or in any respect mutilate any record or paper which is being inspected.

21-C. Application for obtaining information.—(1) Application for information shall be made by the parties or their representatives only in the Form L.

(2) If the information is immediately available the clerk shall fill in the information both in the upper and lower halves of the form in their proper places and if the information is not immediately available the clerk shall state in the appropriate place the date on which the applicant should call for the information and make over the lower portion of the form to the applicant. Upon the applicant calling for the information on the date stated he shall supply the information in the appropriate place and acknowledgment for the same being obtained on the upper portion of the form, which shall be kept in the records of the case.

(3) Information requiring anything but short answers shall not be given. If an extract from the record or the substance of any order or decision or other document is desired, the procedure prescribed under Rule 21-A shall be followed.

FORM No. I.

INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Application for Copy.

Sl. No. Application for urgent/ordinary copy.

Case No.....of 19

Petitioner.....

Vs.

Respondent.....

Description of document of which a copy is wanted with date when necessary

.....

.....

Application is made by..... the undersigned for a certified copy of the document noted above from the Tribunals file in the above case which was disposed of on...../is still pending.

Date .....

.....

Signature of the applicant.

Office Report. ESTIMATE OF COSTS.

The copy will cover

.....Sheets.

.....

(Applicant's signature)

Record received on.....

Copy will be ready on.....

Copy actually ready on.....

Copy delivered on.....

.....

Clerk.

.....

Head Clerk.

Perforated.

Sl. No.

Received the application for copy bearing the above No.

Received copy on.....

.....

(Applicant).

Rs. a. p.

Estimated cost

To attend for copy.....

.....

Date.....

Head Clerk.

FORM No. J.

INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Register for Application for Copy.

Sl. No.	Date of receipt of application	Name of applicant	Description of Document	Copying fee assessed	Receipt No. and date of payment of Fees	Copied by	Copy ready date	Copy delivered date	Remarks
1	2	3	4	5	6	7	8	9	10

FORM No. K.

INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Sl. No. Date of Application.....

Application for inspection of the record in the undermentioned pending/disposed of case.

Description of case	No.	Year	Description of the papers of which inspection is required	Name of person or persons who will inspect the records (not exceeding three including the inspecting advocate)

The.....195 .

.....

(Signature of the applicant).

Note.—If the applicant is a stranger or a party appearing in person in a case, he must say so in the application and state the reasons for which he seeks inspection.

FORM No. L.

INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Application for Information.

Sl. No.
Regarding Case No.....of 195 .

*Nature of information required.....

The.....195. Signature of applicant.

Date when the applicant will call for the information.....

Office Report regarding information :—

The.....195 .

Signature of the officer supplying the information.

Information received on

The..... .....195 . Signature of applicant.

(*Perforated*).

Regarding case No.... .....of 195 .

Date by which information is to be ready.....

Information.....

Supplied on.....

Signature of the officer supplying the information.

*To be filled in by the applicant.

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 2500—L.W. 257-51-12, Bangalore, dated 14th August 1952.

The draft of the following rules, which it is proposed to make in exercise of the powers conferred by clauses (*d*), (*e*), (*f*) and (*h*) of sub-section (1) section 96 of the Employees' State Insurance Act, 1948 (Central Act XXXIV of 1948), is hereby published for the information of all persons likely to be affected thereby, as required by sub-section (2) of section 96 of the said Act.

Notice is hereby given that the said draft will be taken into consideration on or after 21st September 1952.

Objections or suggestions, if any, to the draft rules may be sent to the Secretary to Government, Law Department, so as to reach him before the said date, for consideration.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,

Law Department.

1. *Short title, extent and commencement.*—(1) These rules shall be called the Mysore State Employees' State Insurance (Medical Benefit) Rules, 1952.

(2) They shall apply to the whole of the State of Mysore.

(3) They shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or contest:—

(1) "The act" means the Employees' State Insurance Act, 1948 (XXXIVI of 1948);

(2) "Administrative Medical Officer" means the Principal Medical Officer appointed by the State Government to administer medical benefit in the State;

(3) "drug" includes all medicines for internal or external use of human beings and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings;

(4) "Medical Practitioner" means a person holding a qualification granted by an authority specified or notified under section 3 of the Indian Medical Degree Act, 1916 (VII of 1916), or specified in

the Schedules to the Indian Medical Council Act, 1933 (XXVII of 1933), or a person registered or eligible for registration under the Mysore Medical Registration Act, 1931 (Mysore Act V of 1931);

(5) "mis-carriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy;

(6) "State Insurance dispensary" means a dispensary established in a separate building or part of an existing dispensary, hospital or any other building set apart for the exclusive use of insured persons either during all hours or during certain specified hours, provided that in the latter case drugs are maintained and dispensed separately in accordance with these Rules:

(7) "State Insurance medical formulary" means a list of prescriptions and injections laid down by the Corporation from time to time;

(8) All other words and expressions used herein and not defined shall have the meanings assigned to them in the Act, the rules made under section 95 or the regulations under section 97, as the case may be.

3. *Establishment of State Insurance dispensaries.*—The State Government shall establish one or more State Insurance dispensaries for the medical treatment of insured persons at any place where there is a concentration of not less than one thousand insured persons:

Provided that the medical practitioner in-charge of the dispensary may be a part-time insurance Medical Officer so long as the concentration of insured persons is less than two thousand.

4. *Provisions of Medical benefit where there are no State Insurance dispensaries.*—The State Government shall make arrangements for providing medical treatment to insured persons residing at places where there are no State Insurance dispensaries within a reasonable distance.—

(*a*) by making arrangements for a mobile dispensary to visit a central spot near the places of residence of such persons;

(*b*) by making arrangements for an Insurance Medical Officer to visit any specified dispensary in the area for part of the day;

(*c*) by making arrangements for the treatment of such persons by part-time Insurance Medical Officers appointed for the purpose; or

(*d*) by making arrangements for the provision of such treatment at any hospital, dispensary, clinic or other institution maintained by the State Government, a local body, a private institution or a

private individual on such terms as may be agreed to by the Corporation.

5. *Separate hospitals or beds.*—The State Government may also establish separate hospitals or other medical institutions for the examination and treatment of insured persons or may reserve, on such scales and terms as may be agreed upon between the Corporation and the State Government from time to time, separate beds for the exclusive use of insured persons in the hospitals or other medical institutions under its control or under the control of a local body, private institution or individual.

6. *Abolition of Dispensary etc.*—The State Government may, with the consent of the Corporation, abolish any State Insurance dispensary, cancel any of the arrangements made under rules 4 and 5 or effect such alteration as may be considered necessary in the location of any dispensary.

7. *Allotment of insured persons.*—An insured person in any factory or establishment to which the Act applies may, at the time of filling the Declaration Form under the Employees' State Insurance (General) Regulations, 1950, or any subsequent time indicate the State Insurance dispensary or other medical institution where arrangements for the provision of medical benefit are made, to which he desires to be allotted or re-allotted and the State Government shall so far as practicable and subject to such conditions as may be fixed allot or re-allot such insured persons to the dispensary or the institution indicated by him:

Provided that where in the opinion of the State Government, the circumstances to justify, it may allot or re-allot an insured person to a dispensary or institution other than the one indicated by him.

8. *Failure to indicate dispensary or institution.*—(1) An insured person who does not indicate the dispensary to which he desires to be allotted shall be allotted to such dispensary as the State Government may consider suitable.

(2) Intimation of the dispensary or institution to which an insured person is allotted or re-allotted either under sub-rule (1) or under rule 7, as the case may be, shall be made to the insured person by the State Government.

9. *Procedure for obtaining medical benefit.*—An insured person who wishes to claim medical benefit shall bring his identity card to the State Insurance dispensary, or other hospital, clinic, mobile dispensary post or any other medical institution to which he is allotted and claim such benefit from the Insurance Medical Officer

in charge of the State Insurance dispensary or the Insurance Medical Officer of the hospital, clinic or other institution to which he is allotted:

Provided that, in case of an emergency, an insured person may claim medical benefit under these rules from any insurance Medical Officer whether he is allotted to him or not:

Provided further that where an insured person is unable to attend the State Insurance dispensary, hospital, clinic, mobile dispensary post or any other Medical institution to which he is allotted the Insurance Medical Officer will, on intimation being received, visit him at his residence, if he is satisfied, by interrogation or otherwise, that the insured person cannot reasonably be expected to come to the medical institution to which he is allotted:

Provided further that if the insured person or his agent fails to produce his or the insured person's identity card, as the case may be, as proof of the person claiming the benefit being an insured person the medical benefit may be refused to him.

10. *Scale of Medical benefit.*—The Medical benefit provided under these rules shall be according to the following scale :—

(*1*) Out-patient treatment shall be provided at a State Insurance dispensary or in the manner indicated in rule 4 and shall consist of all treatment, other than treatment involving the application of special skill or experience, and shall include—

(i) such preventive treatment as vaccination and inoculation;

(ii) ante-natal and post-natal treatment of insured women;

(iii) the free provision of all drugs, dressings and appliances that may be considered necessary, and

(iv) provision of certificates, free of cost, in respect of sickness, maternity, employment injury and death, required under the Employees' State Insurance (General) Regulations, 1950, or under the directions or instruction issued from time to time by the Corporation.

(*2*) An Insurance Medical Officer shall visit an insured person at his or her residence in accordance with the second proviso to rule 9 and in addition in all cases of confinement or mis-carriage, where the insured woman or the registered midwife in attendance or any other reliable person reports that attendance by a medical practitioner is desirable.

(3) where, in the case of a serious emergency or otherwise, in-patient treatment in a hospital is considered necessary by the

Insurance Medical Officer, the case shall be admitted to the nearest hospital which is established or specified for the purpose by the State Government if accommodation is available, and the treatment provided for the patient shall include free maintenance and such specialist and general treatment, including treatment at confinement where necessary, as may be available at the hospital to which the insured person is admitted as well as those special investigations which are considered desirable and for which facilities exist at the hospital or at an associated laboratory.

(4) Facilities for the removal, free of charge, of insured persons to hospital, where necessary, shall be provided by ambulance or otherwise.

11. *Conditions of service of full-time Insurance Medical Officers*:—(1) Subject to the provisions of the Act and the rules made thereunder, the State Government may, subject to such conditions as may be laid down by the Corporation, appoint a suitable medical officer already in its service or any person possessing such medical qualifications as may be laid down by the State Government in consultation with the Corporation, as an Insurance Medical Officer.

(2) An Insurance Medical Officer shall receive such salary and non-practising allowance as may be determined by the State Government with the consent of the Corporation.

(3) An Insurance Medical Officer shall receive such allowances and at such rates as may be sanctioned from time to time for medical officers of the State Government on similar grades in the localities in which they are stationed. An Insurance Medical Officer shall be entitled to leave and leave salary under the leave rules which may, from time to time, be applicable to other similar State Government servants.

(4) An Insurance Medical Officer shall be entitled to travelling allowance for journeys performed on official duties on the scale laid down in the State Government Rules applicable to medical officers of the State Government on similar grades.

(5) Full-time Insurance Medical Officer shall not undertake private practice.

(6) An Insurance Medical Officer shall be subject to such other conditions of service as may be fixed by the State Government in consultation with the Corporation.

(7) Notwithstanding anything contained in sub-rules (2) to (5) the pay, allowances, and other conditions of service of an Insurance Medical Officer shall, if he is a person already in the Service of the

Government, be such as may be determined, with the consent of the Corporation, by the State Government by a general or special order.

12. *Allowances for other Insurance Medical Officers*:—Where the State Government appoints a part-time Insurance Medical Officer or confers the duties and powers of an Insurance Medical Officer on a Medical Officer in its service in addition to his duties or on any other medical practitioner, such medical officer or medical practitioner shall be paid such allowance as may be fixed by the State Government with the consent of the Corporation.

13. *Staff to be provided at hospitals, dispensaries, etc*:—Each State Insurance dispensary shall be in charge of an Insurance Medical Officer:

Provided that in cases where the concentration of insured persons residing near a State Insurance dispensary so justifies, the State Government shall, in accordance with such scale and subject to such conditions as may be agreed upon between the State Government and the Corporation, appoint two or more Insurance Medical Officers to such State Insurance dispensary.

14. *Notice of the Time during which dispensary, hospital, etc., shall be open*:—(1) Subject to the approval of the State Government the Insurance Medical Officer or the senior-most Insurance Medical Officer, as the case may be shall fix the time at which a State Insurance dispensary, hospital, clinic, mobile dispensary post or any other medical institution specified for the purpose shall remain open for treatment of insured persons.

(2) Notice of the time fixed under sub-rule (1) shall be given in such manner as the State Government may from time to time direct and in particular shall be indicated in a notice board displayed prominently at each place where insured persons as provided medical treatment and at such mobile dispensary post.

15. *Bank and precedence of Insurance Medical Officers*:—(1) Where more than one Insurance Medical Officer have been appointed to a State Insurance dispensary, the State Government shall specify their rank or precedence.

(2) The Senior Insurance Medical Officer for the time being shall, from time to time make such arrangements as he thinks fit for the distribution of the work at the State Insurance dispensary among the Insurance Medical Officers appointed thereto.

16. *Appointment of subordinate staff*:—(1) The State Government may, with consent of the Corporation, appoint such ancillary, technical or non-technical staff and such other subordinate staff as

may be necessary for the proper provision of medical benefit, for insured persons by the State Government.

(2) The Technical, non-technical and subordinate staff shall perform such duties as the Insurance Medical Officer or, if there are more Insurance Medical Officers than one, the Senior Insurance Medical Officer, may subject to any orders of the State Government, from time to time direct.

(3) The Technical, non-technical and subordinate staff shall be subject to such conditions of services and draw such salaries and allowances and receive such other benefits as may be fixed by the State Government with the consent of the Corporation.

17. *Maintenance of medical and surgical equipment*:—Every State Insurance dispensary, hospital, clinic, mobile dispensary or any other medical institution specified for the purpose shall maintain such medical and surgical equipment as may be laid down by the State Government with the consent of the Corporation and all Insurance Medical Officers attached to State Insurance dispensaries or to other medical institutions where provision for outpatient treatment is made under rule 4, shall prescribe such drugs as are required for insured persons but as far as possible in accordance with the State Insurance Medical formulary laid down by the Corporation.

18. *Administrative control*:—All State Insurance dispensaries, hospitals, clinics, mobile dispensaries and other medical institutions specified for the purpose of providing medical benefit under these rules shall be subject to administrative control and superintendence of the Administrative Medical Officer.

19. *Medical records and statistical returns*:—The Insurance Medical Officer in charge of each State Insurance dispensary, hospital, clinic, mobile dispensary or other medical institution specified for the purpose of each Insurance Medical Officer, as the case may be, shall—

(i) keep such registers, books and accounts as the State Government or the Administrative Medical Officer may, from time to time, specify in consultation with the Corporation;

(ii) maintain a medical record in respect of such insured persons allotted to the dispensary or to the Insurance Medical Officer, as the case may be, in the form laid down and supplied by the Corporation for the purpose and in accordance with the instructions issued by the Corporation in this behalf from time to time; and

(iii) comply with such requisitions as may be made by the Corporation or the State Government or the Administrative Medical

Officer in respect of records, returns and statements in such form and in such manner as the authority making the requisition directs.

20. *Delegation of powers*:—(1) The State Government may delegate any of the powers or duties conferred or imposed upon it by these rules to such of its officers as it may, with the consent of the Corporation, specify in this behalf.

(2) Without prejudice to the provisions of sub-rule (1) the State Government may delegate all or any of the powers or duties conferred or imposed upon it by rule 7 or rule 8 to such officers of the Corporation, as it may deem fit.

NOTIFICATION.

No. T. 1850—R.T. 11-52-9, Bangalore, dated 26th August 1952.

In exercise of the powers conferred by Rule 425 of the Mysore Motor Vehicles and Road Traffic Rules, 1945, His Highness the Maharaja of Mysore is pleased to direct that the motor vehicles bearing Engine Numbers I. K. 175919, 175918, 175825, 175933, 175965, 175938 and 175956 belonging to Messrs. The Bangalore Transport Co., Ltd., be exempted from the operation of Rule 319 of the said Rules subject to the condition that the overhang of each vehicle shall not exceed 50 per cent of the wheel-base.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Revenue Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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ERRATA.

"To Rules under the Factories Act, 1948 (Central Act No. LXIII of 1948), published in Part IV, Section 2-C on page 361 (1-155) of the *Mysore Gazette*, dated 21st August 1952."

Page	*Rule*	*Incorrect*	*Correct*
1.	1(2)	... ...	Insert the word "the" before "First day" of September 1952.
4.	Heading of Schedule under Rule 5	Maximum H.F. installed.	Maximum H.P. installed
4.	Column 3 of Schedule under Rule 5	850 ...	350
4.	5(1)	... Schedule ...	Schedules

4. After Schedule under Rule 5 insert the following Schedules :—

SCHEDULE B.

Scale of fees payable for licence and annual renewal of licence by Electricity Generating, Transforming or Transmitting Factories :—

	Total installed capacity (in K.W.)		*Fee payable*
			Rs.
A.	50 K.W. or less	...	25
B.	Over 50 K.W.—not over 100 K.W.	...	50
C.	Over 100 K.W.—not over 150 K.W.	..	75
D.	Over 150 K.W.—not over 300 K.W.	..	100
E.	Over 300 K.W.—not over 700 K.W.	...	150
F.	Over 750 K.W.—not over 1,000 K.W.	...	225
G.	Over 1,000 K.W.—not over 5,000 K.W.	...	450
H.	Over 5,000 K.W.—not over 10,000 K.W.	...	750
I.	Over 10,000 K.W.—not over 50,000 K.W.	...	1,250
J.	Over 50,000 K.W.—not over 60,000 K.W.	...	1,500
K.	Over 60,000 K.W.—not over 80,000 K.W.	...	1,750
L.	Over 80,000 K.W.—not over 1,00,000 K.W.	...	2,000
M.	Over 1,00,000 K.W.—not over 1,50,000 K.W.	...	2,500
N.	Over 1,50,000 K.W.—not over 2,00,000 K.W.	...	3,000
O.	Over 2,00,000 K.W.—not over 3,00,000 K.W.	...	3,500
P.	All over 3,00,000 K.W.—(without limit)	...	4,000

SCHEDULE C.

Scale of fees payable for licence and annual renewal of licence by Factories defined under Section 2(*m*) (ii) of the Factories Act, 1948 :—

Quality of H.P. installed (maximum H.P.)	Maximum number of persons to be employed on any day during the year.						
	20	50	100	250	500	750	1,000 and above
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Nil ...	10	25	50	125	250	375	500

Page	*Rule*	*Incorrect*	*Correct*
11.	15(2)—line 4 ...	(l) ...	(1)
13.	Schedule under Rule 18—Column 3—Item 9.	85·5 ...	85·0
29.	Schedule III—Para 10(2)—line 4.	of ...	to
32.	55(2)—line 4 ...	...	Omit the word "the" before the word "Section 28."
33.	55(3) ...	'f' ...	'F'
36.	Line 6 from top ...	...	Omit "or ships plates"
101.	Line 3 of Item 6 of Form No. 2.	'r' ...	'R'
126.	Para 15—Line 2 ...	'1st April 1952'	'1st April 1949'
127.	Para 23—Line 2 ...	Do	Do
128.	Para 26—Line 4 ...	'eye' ...	'eyes'
147.	Form No. 34 (B)1 ...	'Orininal' ...	'Original'
153.	Form No. 39—Certificate under Item 7.	'Joist' ...	'hoist'
154.	Form No. 40—Certificate under Item 5.	'joist' ...	'hoist'

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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PART IV

Section 1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D.—650 -Legis. 3-52-2, Bangalore, dated 4th July 1952.

Ordered that the Reserve and Auxiliary Forces Bill, 1952, the Displaced Persons (Claims) Bill, 1952 and the Indian Tariff (Second Amendment) Bill, 1952, which were introduced in the House of the People on the 20th May 1952 and published in the *Gazette of India*, Part II, Section 2, dated the 31st May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOUSE OF THE PEOPLE.

The following Bills were introduced in the House of the People on 20th May 1952 :—

BILL* No. 35 OF 1952.

A Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith.

BE it enacted by Parliament as follows:—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Reserve and Auxiliary Air Forces Act, 1952.

(2) It extends to the whole of India.

(3) This Chapter shall come into force at once, and the remaining provisions shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "Air Force Reserve" means any of the Air Force Reserves raised and maintained under this Act;

(*b*) "competent authority" means any air officer appointed under section 3;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) all other words and expressions used herein and defined in the Air Force Act, 1950 (XLV of 1950), and not hereinbefore defined shall have the meanings respectively assigned to them by that Act.

3. *Appointment of competent authority.*—The Central Government may, by notification in the Official Gazette, appoint one or more air officers to perform all or any of the functions of the competent authority under this Act.

CHAPTER II.

REGULAR AIR FORCE RESERVE.

4. *Constitution of Regular Air Force Reserve.*—The Central Government may raise and maintain in the manner hereafter in this Chapter provided an Air Force Reserve to be designated the Regular Air Force Reserve which shall consist solely of persons transferred to it under section 5.

5. *Transfer of certain persons to the Regular Air Force Reserve.*—(1) The competent authority may, by general or special order, transfer to the Regular Air Force Reserve—

(*a*) any officer or airman of the Air Force who under the terms and conditions of his service is liable to service in any Air Force if and when constituted;

*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, commended to the House of the People the consideration of the Bill.

(b) any officer or airman of the Air Force whose commission or engagement in the Air Force has been terminated before the commencement of this Act and who under the terms of his commission or engagement was liable to serve in any Air Force Reserve if and when constituted ;

(c) any officer or airman who was served in the Air Force and has retired therefrom,

and any officer or airman so transferred shall be deemed to be a member of the said Reserve.

(2) The competent authority may, for reasons which in his opinion are sufficient, cancel any order made under sub-section (1) and on the cancellation of such order the person in respect of whom the order had been made shall cease to be a member of the Regular Air Force Reserve.

6. *Classes of persons in the Regular Air Force Reserve.*—Members of the Regular Air Force Reserve shall be divided into the following classes, namely :—

(a) general duties officers,
(b) ground duties officers, and
(c) airman,

and every officer shall be entitled on transfer to the Reserve to hold the same rank as that which he last held in the Air Force before his transfer.

7. *Period of service.*—(1) Every member of the Regular Air Force Reserve shall be liable to serve in the Reserve for the period of his Reserve liability :

Provided that the competent authority may require any such member to serve in the Reserve for such further period or periods as he may think fit.

Explanation I.—For the purposes of this sub-section, "period of Reserve liability" in relation to any member of the Regular Air Force Reserve means the period for which under the terms and conditions of his service in the Air Force he was liable to serve in any Air Force Reserve if and when constituted.

Explanation II.—In computing the period of Reserve liability in relation to any member of the Regular Air Force Reserve whose commission or engagement in the Air Force was terminated before the commencement of this Act, this period which has elapsed between such termination and the date of coming into force of this Chapter shall be included.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable to serve in the Reserve after attaining the prescribed age.

8. *Termination of service in the Reserve.*—Every member of the Regular Air Force Reserve shall, on completion of the period of his service therein, cease to be a member of the Reserve.

CHAPTER III.

Air Defence Reserve.

9. *Constitution of Air Defence Reserve.*—The Central Government may raise and maintain in the manner hereafter in this Chapter provided an Air Force Reserve to be designated the Air Defence Reserve which shall consist of persons deemed under the provisions of section 15 to be enrolled therein.

10. *Obligation to register.*—(1) Every citizen of India who—

(a) holds or has held a public transport pilot's licence ("B" Licence) issued under the Indian Aircraft Rules, 1937, or

(b) has had not less than two hundred hours experience of sole flying (including not less than thirty landings), or

(c) holds or has held a first class navigator's licence issued under the Indian Aircraft Rules, 1937, or

(*d*) has had at least four years' aviation experience during which at least six hundred hours shall have been spent in the air, not less than one hundred hours of such experience being experience of navigation in the air, or

(*e*) holds or has held a first class radio telegraph operator's licence issued under the Indian Aircraft Rules, 1937, or

(*f*) holds or has held a radio telephone operator's licence issued under the Indian Aircraft Rules, 1937, or

(*g*) holds or has held a licence as ground engineer in any of the categories A, B, C, D or X issued under the Indian Aircraft Rules, 1937,

shall within the prescribed period correctly fill up, or cause to be filled up, to the best of his knowledge and belief the prescribed form, and sign and lodge it with the competent authority nearest to his usual place of residence or business:

Provided that nothing contained in this sub-section shall apply—

(*i*) to any person belonging to any of the classes specified in clauses (*a*) to (*f*), if he has attained the age of thirty-seven years; or

(*ii*) to any person belonging to the class specified in clause (*g*), if he has attained the age of fifty years.

(2) Without prejudice to the provisions contained in sub-section (1), the competent authority may, if he is satisfied that the provisions of that sub-section apply to any person, by order in writing, require that person to furnish within such time such particulars as may be specified in the order and such person shall within the specified time furnish correctly to the best of his knowledge and belief the said particulars to the said authority in such form and manner as may be prescribed.

11. *Liability to be called up for inquiry.*—Every person to whom the provisions of section 10 are applicable shall be liable to be called up for inquiry under section 12—

(*a*) if he belongs to any of the classes specified in clauses (*a*) to (*f*) of sub-section (1) of section 10 until he has completed his thirty-seventh year, and

(*b*) if he belongs to the class specified in clause (*g*) of the said sub-section, until he has completed his fiftieth year.

12. *Calling up for inquiry.*—(1) The competent authority may cause to be served on any person for the time being liable to be called up for inquiry under section 11 a written notice stating that he is called up for inquiry regarding his fitness for service in the Air Defence Reserve and requiring him to present himself to such person and at such place and at such time (not earlier than the seventh day after the date of the service of the notice) as may be specified in the notice and to submit himself to inquiry by the competent authority.

(2) Where a notice under sub-section (1) has been duly served on any person, the competent authority may, at any time, while the person remains liable under this Chapter to be called up for inquiry, cancel the notice and cause to be served on him a further notice varying the original notice.

13. *Medical Examination.*—Every person called up for inquiry under section 12 shall, if and when required by the competent authority, present himself for examination before such medical officer as may be directed by that authority, and for the purposes of such examination, shall comply with the directions of the medical officer.

14. *Registration of persons considered fit for enrolment.*—If after such inquiry and medical examination as aforesaid, the competent authority considers a person fit for enrolment in the Air Defence Reserve, he shall inform him accordingly and enter his name and other prescribed particulars in a register maintained in such form and manner as may be prescribed.

15. *Calling up for service.*—The competent authority may cause to be served on any person whose name is entered in the register maintained in pursuance of section 14 a written notice stating that he is called up for service in the Air

Defence Reserve and requiring him to present himself at such place and time (not earlier than the seventh day after the date of the service of the notice) and to such authority as may be specified in the notice; and the person upon whom the notice is served shall be deemed to be enrolled in the Reserve as from the day so specified.

16. *Period of service.*—Every person deemed to be enrolled in the Air Defence Reserve shall be liable for service—

(*a*) if he belongs to any of the classes specified in clauses (*a*) to (*f*) of sub-section (1) of section 10, until he has completed his forty-second year ;

(*b*) if he belongs to the class specified in clause (*g*) of the said sub-section, until he has completed his fifty-fifth year.

CHAPTER IV.

AUXILIARY AIR FORCE.

17. *Constitution of Auxiliary Air Force.*—(1) The Central Government may raise and maintain in he manner hereafter in this Chapter provided an Air Force to be designated the Auxiliary Air Force.

(2) The Central Government may constitute such number of squadrons and units of the Auxiliary Air Force as it thinks fit and may disband or reconstitute any squadron or unit.

18. *Classes of persons in the Auxiliary Air Force.*—Members of the Auxiliary Air Force shall be divided into the following classes, namely :—

(*a*) officers, and

(*b*) airmen.

19. *Officers of the Auxiliary Air Force.*—The President may grant to such person as he thinks fit a commission as an officer in the Auxiliary Air Force with designation of rank corresponding to that of any commissioned officer in the Air Force.

20. *Persons eligible for enrolment.*—Any citizen of India may offer himself for enrolment in the Auxiliary Air Force and may, if he satisfies the prescribed conditions, be so enrolled on such terms as may be prescribed.

21. *Period of service.*—Every officer and every enrolled person shall, subject to any rules that may be made in this behalf under this Act, be required to serve in the Auxiliary Air Force for a period of five years from the date of his appointment or enrolment but may, after the completion of his period of service, volunteer to serve therein for further periods each of not more than five years' duration.

22. *Termination of service.*—The service of any officer or enrolled person in the Auxiliary Air Force may, at any time before the completion of his period of service, be terminated by such authority and under such conditions as may be prescribed.

23. *Advisory Committees.*—(1) The Central Government shall, as soon as may be after the commencement of this Act, constitute—

(*a*) for the whole of India, a Central Advisory Committee ;

(*b*) for each State in which there is a squadron or unit of the Auxiliary Air Force, a State Advisory Committee ; and

(*c*) for every unit of the Auxiliary Air Force, a Unit Advisory Committee.

(2) It shall be the duty of the Central Advisory Committee to advise the Central Government on matters connected with the Auxiliary Air Force generally, of the State Advisory Committee to advise the Central Government on matters connected with the squadrons or units stationed in the State, and of the Unit Advisory Committee to advise the Central Government on matters connected with the unit for which it is constituted.

(3) The duties, powers and procedure of Advisory Committees and in particular the matters in respect of which the Advisory Committees may be called upon to give advice shall be such as may be prescribed.

CHAPTER V

LIABILITY AND DISCIPLINE OF MEMBERS OF RESERVE AND AUXILIARY AIR FORCES.

24. *Liability to be called up for service.*—Every member of an Air Force Reserve or the Auxiliary Air Force shall, during the period of his service, be liable to be called up—

(*a*) for a periodical training and medical examination,

(*b*) for service in aid of the civil power,

(*c*) for Air Force service in India or abroad in an emergency.

25. *Discipline.*—Every member of an Air Force Reserve or the Auxiliary Air Force shall, when called up for training, medical examination or for service under this Act, be subject to the Air Force Act, 1950 (XLV of 1950), and the rules made thereunder in the same manner as a person belonging to the Air Force and holding the same rank is subject to the said Act and rules and shall continue to be so subject until duly released from such training, medical examination or service, as the case may be.

CHAPTER VI.

MISCELLANEOUS.

26. *Reinstatement in civil employ of persons required to perform service under this Act.*—(1) It shall be the duty of every employer by whom a person called up under section 24 is employed to grant him such leave as may be necessary and to reinstate him in his employment on the termination of the period during which he has been so called up in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been so called up:

Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person, or if for any reason the reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the prescribed authority and that authority shall, after considering all matters which may be put before him and after making such further inquiry into the matter as may be prescribed, pass an order—

(*a*) exempting the employer from the provisions of this section, or

(*b*) requiring him to re-employ such person on such terms as that authority thinks suitable, or

(*c*) requiring him to pay to such person by way of compensation for failure or inability to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey the order of any such authority as is referred to in the proviso to sub-section (1), he shall be punishable with fine which may extend to one thousand rupees, and the court by which an employer is convicted under this section shall order him (if he has not already been so required by the said authority) to pay to the person whom he has failed to re-employ a sum equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so required to be paid either by the said authority or by the court shall be recoverable as if it were a fine imposed by such court.

(3) In any proceeding under this section it shall be a defence for an employer to prove that the person formerly employed did not apply to the employer for reinstatement within a period of two months from the termination of the period during which he was called up under section 24.

(4) The duty imposed by sub-section (1) upon an employer to grant leave to a person such as is described in that sub-section or to reinstate him in his employment shall attach to an employer who, before such person is actually called up under section 24, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section and such intention shall be presumed until the contrary is proved if the termination takes place after the issue of an order relating to that person under section 24.

27. *Preservation of certain rights of persons called up for service.*—When any person called up under section 24 has any rights under any provident fund or superannuation fund or other scheme for the benefit of employees maintained in connection with the employment he relinquishes, he shall continue, during the period for which he has been so called up and if he is reinstated, until such reinstatement under the provisions of this Act, to have in respect of such fund or scheme such rights as may be prescribed.

28. *Pay and allowances.*—Every member of an Air Force Reserve or the Auxiliary Air Force shall, during the period of training or active service, receive such pay and allowances as are admissible to an officer or airman, as the case may be, in the corresponding rank, branch or trade of the Air Force.

29. *Penalties.*—(1) If any person refuses or without lawful excuse (the burden of providing which shall lie upon such person) neglects to comply fully with the requirements of sub-section (1) of section 10 or of any order made under sub-section (2) of that section or with the requirements of section 13 he shall be punishable with fine which may extend to five hundred rupees.

(2) If any person wilfully fails to comply with any notice issued under section 12 or section 15 he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

30. *Service of notice.*—Any notice or order to be served on any person for the purposes of this Act may be sent by post to that person at his last known address or may be served upon him in such other manner as may be prescribed.

31. *Competent authority to be public servant.*—For the purposes of this Act every competent authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

32. *Power of Central Government to grant exemptions.*—The Central Government may, for special reasons and subject to such conditions as may be prescribed, by order exempt any person from any obligation or liability under this Act or any particular provision thereof.

33. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the composition and strength of any Air Force Reserve;

(*b*) the circumstances in which and the conditions subject to which any officer or airman may be transferred to the Regular Air Force Reserve under section 5;

(*c*) the age beyond which retired officers or airmen shall not be liable to serve in the Regular Air Force Reserve;

(*d*) the form and manner in which the particulars required by sub-section (2) of section 10 shall be furnished;

(*e*) the form and manner in which registers shall be maintained in pursuance of section 14, the particulars to be entered therein, and the correction or revision of such particulars from time to time ;

(*f*) the pay or allowances payable to persons called up for inquiry, training, medical examination or service under this Act ;

(*g*) the terms and conditions subject to which a person may be enrolled as a member of the Auxiliary Air Force ;

(*h*) the authority by which and the conditions subject to which the service of any officer or enrolled person in the Auxiliary Air Force may be terminated ;

(*i*) the constitution and the duties, powers and procedure of Advisory Committees to be constituted under section 23 ;

(*j*) the manner in which and the conditions subject to which the rank of any member of an Air Force Reserve may be determined ;

(*k*) the constitution of the authority for the purpose of section 26 and the manner in which such authority may conduct any inquiry under this Act ;

(*l*) the manner in which any notice or order issued or made under this Act may be served ;

(*m*) the conditions subject to which any person may be exempted from any obligation or liability under this Act or any particular provision thereof ;

(*n*) any other matter which under this Act is to be, or may be, prescribed.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

34. *Amendment of sections 2, 4 and 31, Act XLV of 1950.*—In the Air Force Act, 1950.—

(*i*) in section 2, for clause (*c*) the following clause shall be substituted, namely:—

"(*c*) persons belonging to the Regular Air Force Reserve or the Air Defence Reserve or the Auxiliary Air Force, in the circumstances specified in section 25 of the Reserve and Auxiliary Air Forces Act, 1952";

(*ii*) in section 4, for the words "the Indian Air Force Volunteer Reserve", wherever they occur, the words "any Air Force Reserve or the Auxiliary Air Force" shall be substituted ;

(*iii*) in section 31, for the words "the Air Force Reserve" the words "any Air Force Reserve or the Auxiliary Air Force" shall be substituted.

35. *Repeal of Act XXXVI of 1939.*—The Indian Air Force Volunteer Reserve (Discipline) Act, 1939, is hereby repealed.

———

STATEMENT OF OBJECTS AND REASONS.

It is necessary to constitute certain Reserves for the Air Force in order to enable quick expansion in an emergency. The Reserves proposed will be constituted from outgoing I.A.F. personnel, civilian pilots and technicians, and by raising an Auxiliary Force of volunteers from the public.

2. *Regular Air Force Reserve.*—The Regular Air Force Reserve will consist of Indian Air Force officers and airmen transferred after completion or termination of the period of their regular service to this Reserve subject to the existence of vacancies. The initial period of Reserve service will normally be 5 years for officers and 6 years for airmen subject also to their reaching such age limit as may be prescribed by the Government.

Those extended Service Commissioned Officers whose term of employment expires prior to the formation of this Reserve will also be liable to serve in the Reserve.

3. *Air Defence Reserve.*—The constitution of the Air Defence Reserve requires that a census should be taken of the civilian technical manpower available in the country which could be utilised if occasion arises. All persons within certain age limits possessing certain flying or other technical qualifications would be required to furnish certain porticulars to the appropriate authority and submit themselves for medical examination. A register of persons who are fit for service would be maintained, and if and when occasion arises persons whose names are entered in the register will be called out for service. It is necessary to have legislation for this purpose on account of the shortage of trained personnel which obtains at present, and which is likely to persist for some time; and also to safeguard the interests of those who are called out from their jobs for training or required to serve in an emergency.

Provision is made requiring civil employers to grant any enrolled person such leave as may be necessary and to have him reinstated into civil employment after the termination of the period during which he has been called out.

4. *Auxiliary Air Force.*—The Auxiliary Air Force allows the enrolment of civilian volunteers (including Government servants) to give them part-time Air Force training. This provides for the fighter defence of the locality, in which its self-contained units and squadrons are raised. It may be looked at as the Territorial Army's air counterpart.

Advisory Committees will be set up in big towns, where it is intended to locate the Auxiliary Air Force Squadrons to maintain close liaison with the civil side. These Committees will serve also as a link between the Auxiliary Air Force and the Indian Territorial Army, and assist the Commanding Officers of the Units concerned to recruit civilian personnel.

The period of service in the Auxiliary Air Force will normally be five years in the first instance.

5. The period of training will be prescribed in the rules made by the Central Government from time to time and care will be taken to see that the training is so arranged that minimum dislocation of normal civil duties is caused.

6. The composition of the Reserves, the ranks of the persons enrolled and other allied matters will be regulated by rules made by the Central Government and it is intended to build these Reserves gradually.

N. GOPALASWAMI.

NEW DELHI;
The 14*th May*, 1952.

BILL No. 36 OF 1952.

A Bill to amend the Displaced Persons (Claims) Act, 1950.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Displaced Persons (Claims) Amendment Act, 1952.

2. *Amendment of section 1, Act XLIV of 1950.*—For sub-section (3) of section 1 of the Displaced Persons (Claims) Act, 1950, the following sub-section shall be substituted, namely :—

"(3) It shall remain in force for a period of three years only."

3. *Repeal.*—The Displaced Persons (Claims) Continuance Ordinance, 1952 (V of 1952) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The Displaced Persons (Claims) Act, 1950 (XLIV of 1950), was enacted on the 18th May, 1950, for a period of two years only, as it was expected that the work of verification would be completed within this period. In spite of the best efforts of the Ministry of Rehabilitation, it has, however, not been possible to complete the work within this period. In the beginning, the displaced persons were slow in filing the claims and the period for receipt of claims had to be extended. There have been two other limiting factors. Firstly, the work involved verification of titles and assessment of value of properties situated in West Pakistan, which cannot be inspected by the Claims Officers and about which documentary evidence is not available in a majority of cases. Secondly, the Ministry, after making all possible efforts and tapping all available sources, has not been able to secure for posting more than 300 Claims Officers. According to the latest figures available, more than two-thirds of urban property sheets have been verified. It will, therefore, not be possible to complete the work before the expiry of the Law in force. An Ordinance was promulgated on the 5th May, 1952, temporarily to keep the Act in force. The present Bill seeks to replace the Ordinance and to keep the original Act in force for a total period of three years instead of two.

AJIT PRASAD JAIN.

NEW DELHI;
The 15th May, 1952.

BILL* No. 37 OF 1952.

A Bill further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Tariff (Second Amendment) Act, 1952.

2. *Amendment of the First Schedule, Act XXXII of 1934.*—In the First Schedule to the Indian Tariff Act, 1934,—

(*i*) for Item No. 11 (2), the following Item shall be substituted, namely :—

"11 (2)	Sago flour ...	Protective ...	30 per cent *ad valorem.*	...	...	December 31st, 1954.";

(*ii*) for Items Nos. 11 (4) and 11 (5), the following Items shall be substituted, namely :—

"11 (4)	Starch	Protective ...	30 per cent *ad valorem.*	...	...	December 31st, 1954.
11 (5)	Farina	Protective ...	30 per cent *ad valorem.*	...	...	December 31st, 1954." ;

(*iii*) in Items Nos. 46, 46 (1), 47, 47 (1), 48, 75 (5), 75 (6), 75 (7) and 75 (8), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "March 31st, 1952", wherever they occur, the word, figures and letters "December 31st, 1952" shal be substituted ;

(*iv*) for Item No. 63 (30), the following Item shall be substituted, namely :—

" 63 (30)	Rods or bars of alloy, tool or special steel of the following categories but excluding bright drawn bars of high speed steel and of stainless and heat resisting steel and precision ground and polished bars and silver steel finish bars of all kinds:— (1) High speed steel containing more than 13 per cent tungsten. (2) Stainless and heat resisting steel containing more than 11 per cent chromium. (3) Other alloy, steels not included in category (*i*) or (*ii*) containing any of the following:— (*i*) 0·40 per cent or more of chromium or nickel; (*ii*) 0·10 per cent or more of molybdenum, tungsten or vanadium; or (*iii*) 10·00 per cent or more of manganese—					
	(*a*) of British manufacture.	Protective ...	30 per cent *ad valorem.*	...	...	December 31st, 1954.
	(*b*) not of British manufacture.	Protective ...	42 per cent *ad valorem.*	...	...	December 31st, 1954." ;

(*v*) in Items Nos. 66 (a) and 66 (1), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "May 14th, 1952", wherever they occur, the word, figures and letters "December 31st, 1952" shall be substituted ;

(*vi*) for Item No. 71 (8), the following Item shall be substituted, namely :—

" 71 (8)	Grinding wheels and segments made of synthetic abrasive grains, excluding the following, namely, (*i*) grinding wheels— (*a*) of any thickness or bore but more than 21" in diameter, or (*b*) of any diameter or bore but more than 7½" or less than 1/8" thickness, or (*c*) of any diameter or thickness but more than 12½" bore; and (*ii*) diamond-impregnated wheels.	Protective ...	50 per cent. *ad valorem.*	...	...	December 31st, 1954. ";*

*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to the House of the People the introduction of the Bill.

(vii) after Item No. 71 (11), the following Items shall be inserted, namely :—

"71(12)	Grinding wheels and segments made of synthetic abrasive grains, not otherwise specified.	Revenue	...	25 per cent *ad valorem.*	...	...	...
71(13) ...	Zip fasteners—						
	(*a*) with metal teeth other than those specified in category (*b*).	Protective	...	31¼ per cent *ad valorem.*	...	...	December 31st, 1954.
	(*b*) with metal teeth having not more than 9 teeth per inch on either side and in which the total width of the metal portion in the closed state is not less than 8 m.m.	Revenue	...	25 per cent *ad valorem.*	...	...	...
	(*c*) not otherwise specified...	Revenue	...	25 per cent *ad valorem.*	...	...	... ";

(viii) in Item No. 75(9)(ii), in the entry in the second column, after the word "leather", where it occurs for the first time, the word "plastic" shall be inserted.

Declaration under the Provisional Collection of Taxes Act, 1931.

It is hereby declared that it is expedient in the public interest that the provisions of sub-clause (i), sub-clause (ii), sub-clause (vii) in relation to Item No. 71(13) (*a*) and sub-clause (viii) of clause 2 of this Bill shall have immediate effect under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

STATEMENT OF OBJECTS AND REASONS.

The object of the present Bill is to amend the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), in order to grant protection to certain industries and to continue or discontinue protection to certain other industries on the advice of the Tariff Board.

2. The industries which will be protected are :—

(*a*) Zip fasteners, and

(*b*) Bright drawn bars of alloy, constructional steels and blue reeled bars of all kinds by including them within the protective categories of alloy, tool and special steels under Tariff Item No. 63(30).

3. The industries which will continue to be protected are :—

Item No. of Tariff		Name of the industry
11 (2), 11 (4) and 11 (5)	...	Starch, sago flour and farina ;
46, 46 (1), 47, 47 (1) and 48	...	Sericulture ;
63 (30)	...	Alloy, tool and special steels ;
66 (a) and 66 (1)	...	Aluminium ;
75 (5), 75 (6), 75 (7) and 75 (8)	...	Bicycles (including parts and accessories thereof).

4. Protection will also be continued in respect of certain categories of grinding wheels and segments and withdrawn in respect of certain others.

5. Opportunity has also been taken to carry out a minor amendment of a formal character.

NEW DELHI,
The 19th May, 1952.

T. T. KRISHNAMACHARI.

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NOTIFICATION.

No. L.D. 649—Legis. 3-52-3, dated Bangalore, 4th July 1952.

Ordered that the Indian Income-tax (Amendment) Bill, 1952, which was introduced in the House of the People on 26th May 1952 and published in the *Gazette of India*, Part II, Section 2, dated the 31st May 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOUSE OF THE PEOPLE.

The following Bill was introduced in the House of the People on 26th May, 1952 :—

BILL* No. 38 OF 1952.

A bill further to amend the Indian Income-tax Act, 1922.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Income-tax (Amendment) Act, 1952.

2. *Amendment of section 2, Act XI of 1922.*—In section 2 of the Indian Income-tax Act, 1922 (hereinafter referred to as the principal Act),—

(*a*) for clause (2), the following clause shall be substituted, namely :—

"(2) 'assessee' means a person by whom income-tax (whether with or without interest) or any other sum of money is payable under this Act, and includes every person in respect of whom any proceeding under this Act has been taken for the assessment of his income or of the loss sustained by him or of the amount of refund due to him ;";

(*b*) clause (6) shall be renumbered as clause (5A), and after clause (5A) as so renumbered, the following clause shall be inserted, namely :—

"(6) 'Director of Inspection' means a person appointed to be a Director of Inspection under section 5, and includes a person appointed to be an Additional Director of Inspection, a Deputy Director of Inspection or an Assistant Director of Inspection ;";

(*c*) after clause (6D), the following clause shall be inserted, namely :—

"(6E) 'Inspector of Income-tax' means a person appointed to be an Inspector of Income-tax under section 5 ;";

(*d*) for clause (11), the following clause shall be substituted, namely :—

"(11) 'previous year' means—

(i) in respect of any separate source of income, profits and gains—

(*a*) the twelve months ending on the 31st day of March next preceding the year for which the assessment is to be made, or, if the accounts of the assessee have been made up to a date within the said twelve months in respect of a year ending on any date other than the said 31st day of March, then, at the option of the assessee, the year ending on the date to which his accounts have been so made up :

Provided that where in respect of a particular source of income, profits and gains an assessee has once been assessed, or where in respect of a business, profession or vocation newly set up an assessee has exercised the option under sub-clause (*c*), he shall not, in respect of that source or, as the case may be, business, profession or vocation exercise the option given by this sub-clause so as to vary the meaning of the expression 'previous year' as then applicable to him except with the consent of the Income-tax Officer and upon such conditions as the Income-tax Officer may think fit to impose ; or

*The President has, in pursuance of clause (1) of article 117 and clause (1) of article 274 of the Constitution of India, recommended to the House of the People the introduction of the Bill.

(*b*) in the case of any person, business or company or class of person, business or company, such period as may be determined by the Central Board of Revenue or by such authority as the Board may authorise in this behalf ; or

(*c*) where a business, profession or vocation has been newly set up in the financial year preceding the year for which assessment is to be made, the period from the date of the setting up of the business, profession or vocation to the 31st day of March next following or to the last day of the period determined under sub-clause (*b*), or, if the accounts of the assessee are made up in respect of a period not exceeding twelve months from the date of the setting up of the business, profession or vocation and the case is not one for which a period has been determined under sub-clause (*b*), then, at the option of the assessee, the period from the date of the setting up of the business, profession or vocation to the date to which his accounts have been so made up:

Provided that when such other date does not fall between the setting up of the business, profession or vocation and the next following 31st day of March inclusive, it shall be deemed that there is no previous year for the said assessment year and the previous year which would otherwise have been determined according to the option exercised by the assessee shall be deemed to be the previous year for the next succeeding assessment year ;

(ii) in respect of the share of the income, profits and gains of a firm where the assessee is a partner in the firm the period as determined for the assessment of the income, profits and gains of the firm ;".

3. *Amendment of section 4, Act XI of 1922.*—(1) In section 4 of the principal Act,—

(*a*) in sub-section (1),—

(i) after the third proviso, the following further provisos shall be inserted, namely :—

"Provided further that, in the case of a person who was not resident in the taxable territories in two out of the three years immediately preceding the previous year, so much of the income, profits and gains referred to in sub-clause (ii) of clause (*b*) as accrued or arose to him without India, shall not be included in his total income chargeable in any year subsequent to the year ending on the 31st day of March, 1951, whether his assessment for that year has or has not been completed before the commencement of the Indian Income-tax (Amendment) Act, 1952 :

Provided further that, in the case of a person resident in the taxable territories to whom the preceding proviso or paragraph 8 of the Part B States (Taxation Concessions) Order, 1950, does not apply, so much of the income, profits and gains referred to in sub-clause (iii) of clause (*b*) as accrued or arose to him without India and were not chargeable under this Act, unless brought into or received in the taxable territories, shall not be included in his total income if—

(i) such income, profits and gains are brought into or received in the taxable territories after the 2nd day of September, 1951, and before the 1st day of April, 1954 ;

(ii) half of the amount of such income, profits and gains is invested, within three months of the receipt thereof in the taxable territories, in securities of the Central Government or of a State Government purchased through the Reserve Bank of India and kept with the said Bank for custody for a minimum period of two years ; and

(iii) out of the remaining half, the amount of any income-tax, interest or penalty or any other sum due from such person under this Act on the date of receipt of such income, profits and gain in the taxable territories is paid within the said three months";

(*ii*) in *Explanation 2*, after the words "payable in the taxable territories", the words, brackets and figures "and not being pension payable without India to any person referred to in clause (2) of article 221 or article 314 of the Constitution" shall be inserted;

(*b*) in sub-section (3),—

(i) for clauses (i) *and* (*ia*), the following clause shall be substituted, namely:—

"(*i*) Subject to the provisions of clause (*c*) of sub-section (1) of section 16, any income derived from property held under a trust or other legal obligation solely for religious or charitable purposes, in so far as such income is applied to such religious or charitable purposes only, and in the case of a property so held in part only for such purposes, the income applied or finally set apart for application thereto:

Provided that such income shall be included in the total income unless—

(i) in the case of property held under a trust or other legal obligation created before the commencement of the Indian Income-tax (Amendment) Act, 1952, the income wherefrom is applied to religious and charitable purposes without the taxable territories, the Central Board of Revenue by general or special order in this behalf otherwise directs; and

(ii) in the case of income derived from business carried on on behalf of a religious and charitable institution, the income is applied wholly for the purposes of the institution and—

(*a*) the business is carried on in the course of the carrying out of a primary purpose of the institution or

(*b*) the work in connection with the business is mainly carried on by the beneficiaries of the institution.

(ii) in clause (xii), for the figures "1952" the figures "1954" shall be substituted:

(iii) after clause (xiii), the following clauses shall be inserted, namely:—

"(xiv) Any income received by an employee of a foreign enterprise, not engaged in any trade or business in the taxable territories, as remuneration for services rendered by him during the course of his stay in the taxable territories, where such stay does not exceed in the aggregate a period of ninety days in any year and where such remuneration is not liable to be deducted from the income, profits and gains chargeable under the Act.

(xv) Any income received as remuneration, whether directly or indirectly, from the Government of a foreign State by any person who is assigned to duties in India in connection with any co-operative technical assistance programmes and projects in accordance with an agreement entered into by the Central Government and the Government of that foreign State (the terms whereof provide for the exemption given by this clause) and any other income of such person or of the members of his family accompanying him to India, which accrues or arises without the taxable territories, and is not deemed to accrue or arise in the taxable territories, upon which such person or the members of his family are required to pay any income or social security tax to the Government of that foreign State.

(xvi) Any income from interest on, or from premium on the redemption of, any bonds issued by the Central Government under a loan agreement between the Central Government and the International Bank for Reconstruction and Development, except where the holder of such bond is a person resident in the taxable territories.

(xvii) Interest on the 3½ per cent. Ten Years Treasury Savings Deposit Certificate issued by or under the authority of the Central Government for an amount not exceeding the maximum amount which an assessee is entitled to deposit in such certificates.

(xviii) Interest on securities held by the Issue Department of the Central Bank of Ceylon constituted under the Ceylon Monetary Law Act, 1949.

(xix) Any daily allowance received by, or which has accrued due to, person before the 1st day of April, 1952, by reason of his membership of the Dominion Legislature or of the Constituent Assembly or of Parliament or of any State Legislature or of any Committee thereof."

(*e*) in the last paragraph, in the definition of " charitable purpose", the the word, letter and brackets " clause (ia)" shall be omitted, and for the words " income of a private religious trust " the words " income from property held under a trust or other legal obligation for private religious purposes " shall be substituted.

(2) The amendments made by sub-clause (iii) of clause (b) of sub-section (1) shall be deemed to be operative in relation to all assessments for any year whether such assessments have or have not been completed before the commencement of the Indian Income-tax (Amendment) Act, 1952.

4. *Amendment of section 5, Act XI of 1922.*—In section 5 of the principal Act,—

(*a*) in sub-section (1).—

(i) after clause (a), the following clause shall be inserted, namely :—

" (aa) Directors of Inspection," ;

(ii) after clause (d), the following clause shall be inserted. namely ,—

" (e) Inspectors of Income-tax. " ;

(*b*) after sub-section (1), the following sub-section shall be inserted, namely :—

" (1A) The Central Government may appoint as many Directors of Inspection as it thinks fit, and Directors of Inspection shall, subject to the control of the Central Board of Revenue, perform such functions of any other Income-tax authority as may be assigned to them by the Central Government." ;

(*c*) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The Central Government may appoint as many Commissioners of income-tax as it thinks fit and they shall perform their functions in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as the Central Board of Revenue may direct, and where such directions have assigned to two or more Commissioners of Income-tax the same area or the same persons or classes of persons or the same income or classes of incomes or the same cases or classes of cases, they shall have concurrent jurisdiction subject to any orders which the Central Board of Revenue may make for the distribution and allocation of work to be performed.";

(*d*) for sub-section (3), the following sub-section shall be substituted, namely;—

"(3) The Central Government may appoint as many Appellate or Inspecting Assistant Commissioners of Income-tax and Income-tax officers of Class I service as it thinks fit, and the Commissioner may, subject to the rules and orders of the Central Government regulating the conditions of service of persons in public services and posts, appoint, as many Income-tax Officers of Class II service and Inspectors of Income-tax as may, from time to time, be sanctioned by the Central Government.

(3A) Subject to the rules and orders of the Central Government regulating the conditions of service of persons in public services and posts an income-tax authority may appoint such executive or ministerial staff as may be necessary to assist it in the execution of its functions.";

(*e*) in the second sentence of sub-section (5), the words "with the previous approval of the Central Board of Revenue" shall be omitted, and for the words "Appellate Assistant Commissioner" wherever they occur in this sentence, the words "Inspecting Assistant Commissioner" shall be substituted;

(*f*) after sub-section (5), the following sub-section shall be inserted, namely:—

"(5A) Inspectors of Income-tax shall perform such functions in the execution of this Act as are assigned to them by the Income-tax Officer or other income-tax authority under whom they are appointed to work, and shall be subordinate to such officer or authority.";

(*g*) for sub-section (7), the following sub-section shall be substituted, namely:—

"(7) For the purposes of this Act,—

(i) Appellate Assistant Commissioners of Income-tax shall be subordinate to the Commissioner of Income-tax within whose jurisdiction they perform their functions; but no orders, instructions or directions shall be given to them so as to interfere with their discretion in the exercise of their appellate functions;

(ii) Inspecting Assistant Commissioners shall be subordinate to the Director of Inspection and to the Commissioner of Income-tax within whose jurisdiction they perform their functions;

(iii) Income-tax Officers shall be subordinate to the Director of Inspection, the Commissioner of Income-tax and the Inspecting Assistant Commissioner of Income-tax within whose jurisdiction they perform their functions."

(*h*) after sub-section (7A), the following sub-sections shall be inserted, namely:—

"(7B) The Director of Inspection, the Commissioner or the Inspecting Assistant Commissioner, as the case may be issue such instructions as he thinks fit for the guidance of any Income-tax Officer subordinate to him in the matter of any assessment, and for the purposes of making any inquiry under this Act (which he is hereby empowered to do), the Director of Inspection, the Commissioner and the Inspecting Assistant Commissioner shall have all the powers that an Income-tax Officer has under this Act in relation to the making of inquiries; and the question whether any, and if so, what instructions were issued shall not be inquired into by any appellate authority under this Act or by any Court.

(7C) Whenever in respect of any proceeding under this Act an Income-tax authority ceases to exercise jurisdiction and is succeeded by another who has and exercises jurisdiction, the Income-tax authority so succeeding may continue the proceeding from the stage at which the proceeding was left by his predecessor."

5. *Amendment of section 5A, Act XI of* 1922.—In section 5A of the principal Act,—

(*a*) in sub-section (2), the proviso shall be omitted;

(*b*) in sub-section (3), for the words beginning with "A judicial member shall be" and ending with the words and figures "the Auditors Certificates Rules, 1932:", the following shall be substituted, namely:—

"A judicial member shall be a person who has for at least ten years either held a civil judicial post or been in practice as an advocate of a High Court, and an accountant member shall be a person who has for at least ten years been in the practice of accountancy as a chartered accountant under the Chartered Accountants Act, 1949 (XXXVIII) of 1949) or as a registered accountant under any law formerly in force or partly as a registered accountant and party as a chartered accountant:";

(*c*) in sub-section (4), the word "judicial" shall be omitted.

6. *Amendment of section 7, Act XI of* 1922.—In sub-section (1) of section 7 of the principal Act, in the proviso to *Explanation 2*, after the words "liable to income-tax any payment" the words "of death *cum* retirement gratuity received after the 16th day of April, 1950, under the revised Pension Rules of the Central Government or under any similar scheme of a State Government or any payment" shall be inserted.

7. *Amendment of section 9, Act XI of* 1922.—(1) In section 9 of the principal Act,—

(*a*) in sub-section (1)—

(i) the words "*bona fide*" shall be omitted;

(ii) after clause (ii), the following proviso shall be inserted, namely:—

"Provided that for the purposes of making any assessment for the year ending on the 31st day of March, 1952, in respect of the property situated in an area affected by the Assam earthquake of 1950 the allowance on account of repairs referred to in clauses (i) and (ii) shall be increased up to a maximum of one half of the annual value thereof or the amount of expenditure proved to have been actually incurred for repairs, whichever is the less";

(*b*) for the first proviso to sub-section (2), the following proviso shall be substituted, namely:—

"Provided that, where the property is in the occupation of the owner for the purposes of his own residence, the annual value shall be determined in the same manner as if the property had been let to a tenant so however that, where the sum so determined exceeds ten per cent of the total income of the owner, the annual value of the property shall be deemed to be ten per cent of such total income".

(2) The amendments made by sub-clause (ii) of clause (*a*) of sub-section (1) shall be deemed to be operative for any assessment for the year ending on the 31st day of March, 1952, whether made before or after the commencement of this Act, and where any such assessment has been made before such commencement it shall be lawful for the Income-tax Officer to revise it, wherever necessary, to give effect to this amendment.

8. *Amendment of section 10, Act XI of* 1922.—In section 10 of the principal Act,—

(*a*) in sub-section (2),—

(i) in sub-clause (*a*) of clause (vi), for the figures "1952", the figures "1954" shall be substituted, and in clause (*b*) of the proviso to that clause, for the words "where full" the words "where, in the assessment of the assessee or if the assessee is a registered firm, in the assessment of its partners, full" shall be substituted;

(ii) in clause (*via*), for the words and figures "in the assessments for each of the five years commencing on the 1st day of April, 1949, and ending with the 31st day of March, 1954", the words and figures "in not more than five successive assessments for the financial years next following the previous year in which such buildings are erected and such machinery and plant installed and falling within the period commencing on the 1st day of April, 1949, and ending on the 31st day of March, 1959" shall be substituted, and in the proviso to that clause, for the words and figures "on the 31st day of March, 1953" the words "on the 31st day of March immediately preceding the last financial year in which the further sum referred to in this clause is admissible" and for the words "in the assessment for the year commencing next after that date", the words "in the assessment for such last financial year" shall respectively be substituted;

(iii) in clause (xv), for the words and brackets "(not being in the nature of capital expenditure or personal expenses of the assessee)" the words and brackets "(not being an allowance of the nature described in any of the clauses (i) to (xiv) inclusive, and not being in the nature of capital expenditure or personal expenses of the assessee)" shall be substituted;

(*b*) in sub-section (5),—

(i) after clause (*b*), the following clause shall be inserted, namely:—

"(*c*) in the case of assets acquired by the assessee by way of gift or inheritance, the 'written-down-value' as in the case of the previous owner or the market value thereof whichever is the less:" and

(ii) at the end, the following *Explanation* shall be inserted, namely—

"*Explanation.*—For the purposes of this sub-section, the expression 'actual cost' means the actual cost of the assets as reduced by the amounts, if any, received in the course of business from any outside source for or in connection with the purchase of such assets, and any allowvnce in respect of any depreciation carried forward under clause (*b*) of the proviso to clause (vi) of sub-section (2) shall be deemed to be depreciation 'actually allowed';".

9. *Amendment of section* 14, *Act XI of* 1922.—In section 14 of the principal Act, in clause (*c*) of sub-section (2), for the words and letter "Part B State" the words "the State of Jammu and Kashmir" shall be substituted.

10. *Amendment of section* 15C, *Act XI of* 1922.—In section 15C of the principal Act,—

(*a*) in sub-section (2),—

(i) in clause (ii), for the word "three" the word "six" shall be substituted;

(ii) in clause (iii), for the word "fifty" the word "twenty-five" shall be substituted;

(*b*) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) The provisions of this section shall apply to the assessment for the financial year next following the previous year in which the assessee begins to manufacture or produce articles and for the four assessments immediately succeeding."

11. *Amendment of section* 17, *Act XI of* 1922.—In sub-section (1) of section 17, after the first proviso, the following further proviso shall be inserted, namely:—

"Provided further that where any such person satisfies the Income-tax Officer that he was prevented by sufficient cause from making such declaration on the first occasion on which he became assessable and his failure to make

such declaration has not resulted in reducing his liability to tax for any year, the Income-tax Officer may, with the previous approval of the Inspecting Assistant Commissioner, allow such person to make the declaration at any time after the expiry of the period spscified, and such declaration shall have effect in relation to the assessment for the year in which the declaration is made (if such assessment had not been completed before such declaration) and all assessments thereafter."

12. *Amendment of section* 18, *Act XI of* 1922.—In section 18 of the principal Act,—

(*a*) in sub-section (2B), for the words "at the rate or rates applicable to the estimated income of the assessee under this head", the following shall be substituted, namely :—

"on the estimated income of the assessee under this head in accordance with the provisions of clause (*b*) of sub-section (1) of section 17 :

Provided that where—

(i) the person not so resident has obtained a certificate in writing from the Income-tax Officer (which certificate the Income-tax Officer shall be bound to give in every proper case on the application of the assessee) stating that income-tax and super-tax may be deducted at the rates specified therein, or

(ii) the Income-tax Officer has, by an order in writing, required the person responsible for making payment to deduct income-tax and super-tax at the rates specified in that order,

the person responsible for making payment shall, until such certificate or order is cancelled by the Income-tax Officer, deduct income-tax and super-tax at the rates specified in such certificate or order, as the case may be." ;

(*b*) for sub-sections (3A), (3B), (3C), (3D) and (3E), the following sub-sections shall be substituted, namely :—

'(3A) The person responsible for paying any income chargeable under the head "Interest on securities" to a person whom he has no reason to believe to be resident in the taxable territories, shall, at the time of payment, deduct super-tax on the amount of such interest—

(i) if such person is a company, at the rate applicable to a company,

(ii) if such person is not a company, in accordance with the provisions of clause (*b*) of sub-section (1) of section 17 :

Provided that where such person is not a company, the proviso to sub-section (2B) shall apply to the deduction of super-tax under this sub-section as it applies to the deduction of super-tax under sub-section (2B).

(3B) Any person responsible for paying to a person not resident in the territories any interest not being "Interest on securities" or any other sum chargeable under the provisions of this Act shall, at the time of payment, unless he is himself liable to pay any income-tax and super-tax thereon as an agent, deduct income-tax at the maximum rate and super-tax at the rate applicable to a company or in accordance with the provisions of sub-clause (*b*) of sub-section (1) of section 17, as the case may be :

Provided that where the person not resident is not a company, the proviso to sub-section (2B) shall apply to the deduction of income-tax and super-tax under this sub-section as it applies to the deduction of income-tax and super-tax under sub-section (2B). :

Provided further that nothing in this section shall apply to any payment made in the course of transactions in respect of which a person responsible for the payment is deemed under the first proviso to section 43 not to be an agent of the payee.

3C) Where the person responsible for paying any sum chargeable under this Act other than interest, to a person not resident in the taxable territories, considers that the whole of such sum would not be income chargeable in the case of the recipient, he may make an application to the Income-tax Officer to determine, by general or special order, the appropriate proportion of such sum so chargeable and upon such determination tax shall be deducted therefrom by the person responsible for making such payment in accordance with the provisions of sub-section (3B).

(3D) The principal officer of an Indian company or a company which has made such effective arrangements as may be prescribed for the deduction of super-tax from dividends shall, at the time of paying any dividend to a shareholder whom the principal officer has no reason to believe to be resident in the taxable territories, deduct super-tax on the amount of such dividend as increased in accordance with the provisions of sub-section (2) of section 16—

(i) if the shareholder is a company, at the rate applicable to a company,

(ii) if the shareholder is a person other than a company, in accordance with the provisions of clause (*b*) of sub-section (1) of section 17 :

Provided that in the case of a shareholder other than a company, the proviso to sub-section (2B) shall apply to the deduction of super-tax under this sub-section as it applies to the deduction of super-tax under sub-section (2B). ;

(*c*) in sub-section (5), after the words "Any deduction made" the words "and paid to the account of the Central Government" shall be inserted ; after the words "given to him therefor" the words "on the production of the certificate furnished under sub-section (9) or section 20, as the case may be," shall be inserted, and after the second proviso, the following further proviso shall be inserted, namely :—

"Provided further that where any security or share in a company is owned jointly by two or more persons not constituting a partnership, credit in respect of the tax deducted or in respect of any sum by which the dividend has been increased under sub-section (2) of section 16, may be given to each such person in the same proportion in which the interest on such security or dividend on such share has been included in his total income." ;

(*d*) in sub-section (7), for the words, brackets, figures and letters "sub-sections (3D) *and* (3E)" the word, brackets, figure and letter "sub-section (3D)" shall be substituted ;

(*e*) in sub-section (9), for the brackets, figures, letters and word "(3C), (3D) or (3E)", the word, brackets, figure and letter "or (3D)" shall be substituted ;

(*f*) after sub-section (9), the following Explanation shall be inserted, namely :—

"*Explanation.*—For the purposes of this section and section 20A, the expression 'person responsible for paying' means—

(*i*) in the case of payments of income chargeable under the head 'Salaries' other than payments by the Central Government or the Government of a State, the employer himself or if the employer is a company, the company itself including the principal officer thereof ;

(*ii*) in the case of payments of income chargeable under the head 'Interest on securities', other than payments made by or on behalf of the Central Government or the Government of a State, the local authority or company including the principal officer thereof ;

(*iii*) in the case of payment of interest not being 'Interest on securities', the payer himself or if the payer is a company, the company itself including the principal member thereof."

13. *Amendment of section* 18*A*, *Act XI of* 1922.—In section 18A of the principal Act,—

(*a*) in sub-section (1) (*a*), for the words "if that total income exceeded six thousand rupees", the words "if that total income exceeded the maximum amount not chargeable to tax in his case by two thousand five hundred rupees" shall be substituted;

(*b*) in sub-section (3), for the words "is likely to exceed six thousand rupees," the words "is likely to exceed the maximum amount not chargeable to tax in his case by two thousand five hundred rupees." shall be substituted;

(*c*) to sub-section (5), the following further proviso shall be added, namely :—

"Provided further that no interest shall be payable after the 31st day of March, 1952.";

(*d*) in sub-section (6),—

(*i*) in the first proviso after the word "Provided", the word "further" shall be inserted and before that proviso, the following proviso shall be inserted, namely :—

"Provided that after the 31st day of March, 1952, interest shall be payable at the rate of four per cent per annum.";

(*ii*) after the last proviso, the following further proviso shall be inserted, namely :—

"Provided further that where the assessment is not contested by the assessee and the tax has been paid accordingly, the Income-tax officer may, having regard to the circumstances of the case, reduce or waive the interest payable by the assessee."

14. *Amendment of section* 22, *Act XI of* 1922.—In Section 22 of the principal Act,—

(*a*) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2*A*) If any person, who has not been served with a notice under sub-section (2) has sustained a loss of profits or gains in any year under the head 'Profits and gains of business, profession or vocation', and such loss or any part thereof would ordinarily have been carried forward under sub-section (2) of section 24, he shall, if he is to be entitled to the benefit of the carry forward of loss in any subsequent assessment, furnish within the time specified in the general notice given under sub-section (1), all the particulars required under the prescribed form of return of total income and total world income in the same manner as he would have furnished a return under sub-section (1) had his income exceeded the maximum amount not liable to income-tax in his case, and all the provisions of this Act shall apply as if it were a return under sub-section (1).";

(*b*) in sub-section (4), for the words "such accounts or documents as the Income-tax Officer may require" the following shall be substituted, namely :—

"such accounts or documents, including accounts relating to any year subsequent to the previous year, as the Income-tax Officer may require, or to furnish in writing and verified in the prescribed manner information in such form and on such points or matters (including a statement of all assets and liabilities not included in the accounts) as the Income-tax Officer may require :".

15. *Amendment of section* 24, *Act XI of* 1922.—In section 24 of the principal Act,—

(*a*) in sub-section (1), for the first proviso, the following proviso shall be substituted, namely :—

"Provided that in computing the income, profits and gains chargeable under any head or the loss of profits and gains falling under any head, so much of any loss of profits and gains as would but for the loss have accrued or arisen within the State of Jammu and Kashmir, shall not be taken into account except to the extent of the amount of income, profits and gains, if any, which would be exempt under the provisions of clause (*c*) of sub-section (2) of section 14.";

(*b*) in sub-section (2),—

(*i*) for the words "under the head 'Profits and gains of business, profession or vocation", the words "in any business, profession or vocation" shall be substituted ;

(*ii*) for clause (*a*) of the proviso, the following clause shall be substituted, namely :—

"(*a*) where the loss sustained is in any business, profession or vocation, so much of such loss as is referred to in the first proviso to sub-section (1) shall not be set off except against the profits and gains accruing or arising in the State of Jammu and Kashmir from the same business, profession or vocation and exempt from tax under the provisions of clause (*c*) of sub-section (2) of section 14."

16. *Amendment of section* 30, *Act XI of* 1922.—In section 30 of the principal Act,—

(*a*) in sub-section (1), after the first proviso, the following proviso shall be inserted, namely :—

"Provided further that no appeal shall lie under this section against an order passed by an Inspecting Assistant Commissioner, when exercising the powers of the Income-tax Officer in pursuance of a direction given by the Commissioner under sub-section (5) of section 5.";

(*b*) in sub-section (1A), the brackets, figures, letters and word "(3A)" and "or (3C)" shall be omitted.

17. *Amendment of section* 33, *Act XI of* 1922.—In section 33 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) Any assessee objecting to any such order as is referred to in sub-section (1) of section 30, passed by an Inspecting Assistant Commissioner when exercising the powers of an Income-tax Officer, may appeal to the Appellate Tribunal within the time specified in sub-section (2) of that section, and the provisions of sections 30 and 31 shall, so far as may be, apply to such appeal as they apply to an appeal to the Appellate Assistant Commissioner from an order of the Income-tax Officer."

18. *Amendment of section* 33*A*, *Act XI of* 1922.—In sub-section (2) of section 33A of the principal Act, after the words "made within one year from the date of the order" the words and brackets "(or within such further period as the Commissioner may think fit to allow on being satisfied that the assessee was prevented by sufficient cause from making the application within that period)" shall be inserted.

19. *Amendment of section* 34, *Act XI of* 1922.—In the second proviso to sub-section (3) of section 34 of the principal Act, for the words "in pursuance of", the words "to an assessment or re-assessment made on the assessee or any other person in consequence of or to give effect to any finding or direction contained in" shall be substituted.

20. *Amendment of section* 35, *Act XI of* 1922.—In section 35 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely :—

"(5) Where, in respect of any completed assessment of a partner in a firm it is found on the assessment or re-assessment of the firm or on any reduction or enhancement made in the income of the firm under section 31, section 33, section 33A, section 33B, section 66 or section 66A that the share of the partner in the profit or loss of the firm has not been included in the assessment of the partner or, if included, is not correct, the inclusion of the share in the assessment or the correction thereof, as the case may be, shall be deemed to be a rectification of a mistake apparent from the record within the meaning of this section, and the provisions of sub-section (1) shall apply thereto accordingly, the period of four years referred to in that sub-section being computed from the date of the final order passed in the case of the firm.

(6) Where the excess profits tax or the business profits tax payable by an assessee has been modified in appeal, revision or any other proceeding, or where any excess profits tax or business profits tax has been assessed after the completion of the corresponding assessment for income-tax [whether before or after the commencement of the Indian Income-tax (Amendment) Act, 1952], and in consequence thereof it is necessary to re-compute the total income of the assessee chargeable to income-tax, such recomputation shall be deemed to be a rectification of a mistake apparent from the record within the meaning of this section, and the provisions of sub-section (1) shall apply accordingly, the period of four years referred to in that sub-section being computed from the date of the order modifying the assessment of such excess profits tax or business profits tax.

Explanation.—For the purposes of sub-section (6), where the assessee is a firm, the provisions of sub-section (5) shall also apply as they apply to the rectification of the assessment of the partners of the firm."

21. *Amendment of section* 37, *Act XI of* 1922.—Section 37 of the principal Act shall be numbered as sub-section (1) of that section, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely :—

"(2) Any authority referred to in sub-section (1) may impound and retain in its custody for such period as it thinks fit any books of account or other documents produced before it in any proceeding under this Act."

22. *Amendment of section 46, Act XI of 1922.*—In sub-section (7) of section 46 of the principal Act, for the proviso, the following provisos and the *Explanation* shall be substituted, namely :—

" Provided that the period of one year herein referred to shall—

(*i*) where an assessee has been treated as not being in default under section 45 as long as his appeal is undisposed of, be reckoned from the date on which the appeal is disposed of ;

(*ii*) where recovery proceedings in any case have been stayed by any order of a court, be reckoned from the date from which the order is withdrawn ;

(*iii*) where the date of payment of tax has been extended by an income-tax authority, be reckoned from the date up to which the time for payment had been extended ;

(*iv*) where the sum payable is allowed to be paid by instalments, from the date on which the last of such instalments was due :

Provided further that nothing in the foregoing proviso shall have the effect of reducing the period within which proceedings for recovery can be commenced, namely, after the expiration of one year from the last day of the financial year in which the demand is made.

Explanation.—A proceeding for the recovery of any sum shall be deemed to have commenced within the meaning of this section, if some action is taken to recover the whole or any part of the sum within the period hereinbefore referred to, and for the removal of doubts it is hereby declared that the several modes of recovery specified in this section are neither mutually exclusive, nor affect in any way any other law for the time being in force relating to the recovery of debts due to Government, and it shall be lawful for the Income-tax Officer, if for any special reasons to be recorded he so thinks fit, to have recourse to any such mode of recovery notwithstanding that the tax due is being recovered from an assessee by any other mode."

23. *Insertion of new section 46A in Act XI of 1922.*—After section 46 of the principal Act, the following section shall be inserted, namely:—

'46A. *Persons leaving India to obtain tax clearance certificates.*—(1) Subject to such exceptions as may be made by the Central Government, no person who is not domiciled in India, or who, even if domiciled in India at the time of his departure, has, in the opinion of an Income-tax authority, no intention of returning to India, shall leave the territory of India by land, sea or air unless he first obtains from such authority as may be appointed by the Central Government in this behalf (hereinafter in this section referred to as the "competent authority") a certificate stating that he has no liabilities under this Act, the Excess Profits Tax Act, 1940 (XV of 1940), or the Business Profits Tax Act, 1947 (XXI of 1947), or that satisfactory arrangements have been made for the payment of all or any of such taxes which are or may become payable by that person:

Provided that if the competent authority is satisfied that such person intends to return to India, he may issue an exemption certificate either in respect of a single journey or in respect of all journeys to be undertaken by that person within such period as may be specified in the certificate.

(2) If the owner or charterer of any ship or aircraft carrying persons from any place in the territory of India to any place outside the territory allows any person to whom sub-section (1) applies, to travel by such ship or aircraft without first satisfying himself that such person is in possession of a certificate as required by that sub-section, he shall be personally liable to pay the amount of tax, if any, which is or may be payable by such person, and shall also be punishable with fine which may extend to two thousand rupees.

Explanation.—For the purposes of this sub-section the expressions 'owner' and 'charterer' include any representative, agent or employee empowered by the owner or charterer to allow persons to travel by the ship or aircraft.

(3) In respect of any sum payable by the owner or charterer of any ship or aircraft under sub-section (2), the owner or charterer, as the case may be, shall be deemed to be an assessee in default within the meaning of sub-section (1) of section 46.

(4) The Central Government may make rules for regulating any matter necessary for, or incidental to, the purpose of carrying out the provisions of this section.'

24. *Amendment of section 49B, Act XI of 1922.*—Section 49B of the principal Act shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

"(2) For the purposes of sub-section (1), income-tax shall be deemed to include agricultural income-tax assessed on a company by any State Government other than the Government of Jammu and Kashmir, and where any shareholder proves that the company has been so assessed to agricultural income-tax, he shall be entitled to the reduction from the tax payable by him under this Act of a sum equal to—

(*a*) the appropriate agricultural income-tax (reduced by the amount of refund, if any, allowed to him by the State Government), or

(*b*) the appropriate Indian income-tax on the amount of the dividend which has not been increased under sub-section (2) of section 16,

whichever is the less.

Explanation.—In this sub-section,—

(*a*) 'appropriate agricultural income-tax' means such proportion of the agricultural income-tax as the amount of dividend which has not been increased under sub-section (2) of section 16 bears to the total profits of the company assessed to agricultural income-tax; and

(*b*) 'appropriate Indian income-tax' means such proportion of the income-tax payable by the shareholder under this Act as the amount of dividend which has not been increased under sub-section (2) of section 16 bears to the total income of the shareholder."

25. *Amendment of section 49D, Act XI of 1922.*—For section 49D of the principal Act, the following section shall be substituted, namely :—

"49D. *Relief in respect of incomes accruing or arising outside the taxable territories.*—(1) If any person who is resident in the taxable territories in any year proves that, in respect of his income which accrues or arises during that year without the taxable territories (and which is not deemed to accrue or arise in the taxable territories), he has paid in any country, with which there is no reciprocal arrangement for relief or avoidance of double taxation, income-tax, by deduction or otherwise, under the law in force in that country, he shall be entitled to the deduction from the Indian income-tax payable by him of a sum calculated on such doubly taxed income at the Indian rate of tax or the rate of tax of the said country, whichever is the lower.

(2) The Central Government may, by notification in the Official Gazette, declare that the provisions of sub-section (1) shall also apply in relation to any such income accruing or arising in the United Kingdom and chargeable under this Act for the year ending on the 31st day of March, 1950, or for the year ending on the 31st day of March, 1951 or for the year ending on the 31st day of March, 1952.

Explanation.—In this section,—

(*i*) the expression "Indian income-tax" means income-tax and super-tax charged in accordance with the provisions of this Act;

(*ii*) the expression "Indian rate of tax" means the rate determined by dividing the amount of Indian income-tax after deduction of any relief due under the other provisions of this Act but before deduction of any relief due under this section, by the total income;

(*iii*) the expression "rate of tax of the said country" means income-tax and super-tax actually paid in the said country in accordance with the corresponding laws of the said country after deduction of all reliefs due, divided by the whole amount of the income assessed in the said country."

26. *Amendment of section 49E, Act XI of 1922.*—In section 49E of the principal Act, for the words "against the tax" the words "against the tax, interest or penalty" shall be substituted.

27. *Amendment of section 54, Act XI of 1922.*—In sub-section (3) of section 54 of the principal Act,—

(*i*) for clauses (*a*) and (*b*), the following clauses shall be substituted, namely :—

"(*a*) of any such particulars in connection with a prosecution under the Indian Penal Code (Act XLV of 1860) or under this Act, in respect of any matter arising in the course of the execution of this Act, or

(*b*) of any such particulars to any person acting in the execution of this Act or of the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), where it is necessary or desirable to disclose the same to him for the purposes of either this Act or the Taxation on Income (Investigation Commission) Act, 1947, " ; or

(*ii*) in clause (*d*), after the word "Government" the words "or any Income-tax authority" shall be inserted and after the words "under this Act," the words "or under any other law for the time being in force authorising any Income-tax authority to exercise any powers thereunder" shall be inserted ;

(*iii*) in clause (*gg*), the words "in connection with income-tax proceedings" shall be omitted and for the words "registered accountant" the words "chartered accountant" shall be substituted.

28. *Amendment of section 58C, Act XI of 1922.*—In sub-section (1) of section 58C of the principal Act,—

(*i*) to clause (*d*), the following proviso shall be added, namely :—

"Provided that the fund may consist also of the accumulated balance due to an employee who has ceased to be an employee and of interest (simple and compound) in respect thereof where such balance is retained in the fund in accordance with the provisions of clause (*g*). " ;

(*ii*) in clause (*g*), after the words "maintaining the fund" the words "unless at the request of the employee made in writing, the trustees of the fund consent to retain the whole or any part of the accumulated balance due to the employee in the fund to be drawn by him at any time on demand" shall be inserted.

29. *Amendment of section 59, Act XI of 1922.*—In sub-section (2) of section 59 of the principal Act, for clauses (*c*) and (*d*), the following clause shall be substituted, namely :—

"(*c*) prescribe the procedure for giving effect to the terms of any agreement for the avoidance of double taxation on income which may be entered into by the Central Government under section 49AA ; ".

30. *Amendment of section 66A, Act XI of 1922.*—In sub-section (1) of section 66A of the principal Act for the words, brackets and figures "and in respect of such case the provisions of section 98 of the Code of Civil Procedure, 1908 (Act V of 1908) shall, so far as may be, apply notwithstanding anything contained in the Letters Patent of any High Court established by Letters Patent or in any other law for the time being in force", the following shall be substitued, namely :—

"and shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges :

Provided that where there is no such majority, the Judges shall state the point of law upon which they differ, and the case shall then be heard upon that point only by one or more of the other Judges of the High Court, and such point shall be decided according to the opinion of the majority of the Judges who have heard the case, including those who first heard it. "

31. *Substitution of new section for section 67, Act XI of 1922.*—For section 67 of the principal Act, the following section shall be substituted, namely :—

"67. *Bar to legal proceedings.*—(1) No suit or other legal proceeding shall lie in any civil court—

(*a*) to set aside or modify any assessment under this Act, or

(*b*) for the grant of any relief which will have the effect of preventing the commencement or continuance of any assessment proceeding against any person under this Act.

(2) No prosecution, suit or other legal proceeding shall lie against any officer of the Government for anything in good faith done or intended to be done under this Act. "

32. *Amendment of the Schedule, Act XI of 1922.*—(1) In the Schedule to the principal Act,—

(*a*) for the words "Superintendent of Insurance", wherever they occur the words "Controller of Insurance" shall be substituted;

(*b*) in rule 2,—

(*i*) in clause (*b*), for the words "actuarial valuation made for the last inter-valuation period", the words "actuarial valuation made in accordance with the Insurance Act, 1938 (IV of 1938), in respect of the last inter-valuation period" shall be substituted;

(*ii*) in clause (*d*) of the proviso, for the figures "12" the figures "15" shall be substituted;

(*c*) in clause (*a*) of rule 3, for the words "one-half" the words "four-fifths" shall be substituted, and in the second proviso, for the words "one-half of such amount" the words and brackets "that proportion of such amount (one-half or four-fifths, as the case may be)" shall be substituted;

(*d*) for rule 8, the following rule shall be substituted, namely:—

"8. The profits and gains of the branches in the taxable territories of a person not resident in the taxable territories and carrying on any business of insurance, may, in the absence of more reliable data be deemed to be that proportion of the world income of such person which corresponds to the proportion which his premium income derived from the taxable territories bears to his total premium income.

For the purposes of this rule, the world income in relation to life insurance business of a person not resident in the taxable territories shall be computed in the manner laid down in these rules for the computation of the profits and gains of life insurance business carried on in the taxable territories."

(2) The amendments made by sub-section (1) shall be deemed to be operative in relation to any assessment subsequent to the assessment for the year ending on the 31st day of March, 1951, whether such assessment has or has not been made before the commencement of this Act and where any such assessment has been made before such commencement it shall be lawful for the Income-tax Officer to revise it, wherever necessary, to give effect to such amendments.

33. *Application of Act.*—Subject to any special provision made in this behalf in this Act, the amendments made by this Act in the principal Act shall have effect in relation to all assessments for the year ending on the 31st day of March, 1953 and subsequent years.

34. *Validity of certain notices and assessments.*—For the removal of doubts it is hereby declared that the provisions of sub-sections (1), (2) and (3) of section 34 of the principal Act shall apply and shall be deemed always to have applied to any assessment or re-assessment for any year ending before the 1st day of April, 1948, and any notice issued in accordance with sub-section (1) or any assessment completed in pursuance of such notice within the time specified in sub-section (3), whether before or after the commencement of the Indian Income-tax (Amendment) Act, 1952, shall, notwithstanding any judgment or order of any court, Appellate Tribunal of Income-tax authority to the contrary, be deemed to have been validly issued or completed, as the case may be, and no such notice, assessment or re-assessment shall be called in question on the ground merely that the provisions of section 34 did not apply or purport to apply in respect of an assessment or re-assessment for any year prior to the 1st day of April, 1948.

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is—

(*a*) to give effect to some of the urgent, clarificatory and beneficial provisions contained in the comprehensive Income-tax Amendment Bill (Bill No. 56 of 1951), which was introduced in June last year and which has now lapsed;

(*b*) to give effect to some further concessions to Industries;

(*c*) to make certain amendments which have become necessary owing to some recent judicial decisions, and in the light of the experience gained in the working of the Act; and

(*d*) to make certain amendments so as to bring the law in line with the practice and with the administrative changes already made or under contemplation.

2. A comprehensive Income-tax (Amendment) Bill including, amongst others, such recommendations of the Income-tax Investigation Commission as had been accepted by Government was introduced in June last year, but it could not be taken up for consideration in the subsequent sessions of Parliament owing to pressure of other urgent business. That Bill has now lapsed, and in any case its provisions would have required detailed examination in the light of the comments received from various quarters. Meanwhile, it has become necessary to introduce a shorter Bill containing the amendments described above.

3. The notes on clauses explain the object underlying each of the amendments contained in the Bill.

C. D. DESHMUKH.

NEW DELHI,
The 13th May, 1952.

M. N. KAUL,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

NOTIFICATION.

No. L.D. 982—Legis. 3-52-10, Bangalore, dated 30th August 1952.

Ordered that the Estate Duty Bill, 1952 (Central Bill No. 92 of 1952), which was introduced in the House of the People on 11th August 1952 and published in the *Gazette of India*, Part II, Section 2, dated the 16th August 1952, be republished in the *Mysore Gazette*, for general information

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOUSE OF THE PEOPLE.

New Delhi, dated Saturday, 16th August 1952.

The following Bill was introduced in the House of the People on 11th August, 1952:—

BILL* NO. 92 OF 1952

A Bill to provide for the levy and collection of an estate duty.

BE it enacted by Parliament as follows:—

PART I.—PRELIMINARY.

1. **Short title, extent and commencement.**—(*1*) This Act may be called the Estate Duty Act, 1952.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*1*) "affidavit of valuation" means the affidavit of valuation made under section 19-I of the Court-fees Act, 1870 (VII of 1870), in connection with an application for the grant of representation;

(*2*) "Board" means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924 (IV of 1924);

(*3*) "company" includes any body corporate wheresoever incorporated;

(*4*) "controlled company" means a company which is deemed to be controlled by virtue of the rules made under sub-section (*4*) of section 17;

* The President has, in pursuance of clause (1) of article 117 and clause (1) of article 274 of the Constitution of India, recommended to the House of the People the introduction of the Bill.

(5) "Controller" means a person appointed to be a Controller of Estate Duty under section 4 and includes a person appointed to be a Deputy Controller of Estate Duty or an Assistant Controller of Estate Duty;

(6) "deceased person" and "the deceased" mean a person dying after the commencement of this Act;

(7) "estate duty" means estate duty under this Act;

(8) "executor" means the executor or administrator of a deceased person and includes, as regards any obligation under this Act, any person who takes possession of, or intermeddles with, the estate of a deceased person or any part thereof;

(9) "general power" includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit, whether exercisable by instrument *inter vivos* or by will or both, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or exercisable as mortgagee;

(10) "incumbrances" includes mortgages and terminable charges;

(11) "interest in expectancy" includes an estate in remainder or reversion and every other future interest whether vested or contingent, but does not include reversions expectant upon the determination of leases;

(12) "legal representative" means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased, and also includes, in the case where the deceased was a coparcener of a Hindu family, the manager for the time being of the family;

(13) "power to appoint property" means power to determine the disposition of property of which the person invested with the power is not the owner;

(14) "prescribed" means prescribed by rules made under this Act;

(15) "property" includes any interest in property, movable or immovable, and the proceeds of sale thereof and any money or investment for the time being representing the proceeds of sale;

Explanation 1.—The creation by a person or with his consent of a debt or other right enforceable against him personally or against property which he was or might become competent to dispose of, or to charge or burden for his own benefit, shall be deemed to have been a disposition made by that person, and in relation to such a disposition, the expression "property" shall include the debt or right created.

Explanation 2.—The extinguishment at the expense of the deceased of a debt or other right shall be deemed to have been a disposition made by the deceased in favour of the person for whose benefit the debt or right was extinguished, and in relation to such a disposition the expression "property" shall include the benefit conferred by the extinguishment of the debt or right.

(16) "property passing on the death" includes property passing either immediately on the death or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation, and "on the death" includes "at a period ascertainable only by reference to the death";

(17) "representation" means probate of a will or letters of administration;

(18) "settled property" means property which stands limited to, or in trust for, any persons, natural or juridical, by way of succession, whether the settlement took effect before or after the commencement of this Act; and "settlement" means any disposition, including a dedication or endowment, whereby property is settled;

(19) "Valuer" means a Valuer appointed under section 4.

3. Interpretation.—(1) For the purposes of this Act—

(*a*) a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were *sui juris*, enable him to dispose of the property ;

(*b*) a person shall be deemed to dispose of property to which he has acquired title, even if he has acquired title to it in one form and disposes of it in another ;

(*c*) a disposition taking effect out of the interest of the deceased shall be deemed to have been made by him, whether the concurrence of any other person was or was not required ;

(*d*) money which a person has a general power to charge on the property of another person shall be deemed to be an interest in that property of which the former has power to dispose ;

(*e*) the domicile of a person shall be determined as if the provisions of the Indian Succession Act, 1925 (XXXIX of 1925), on the subject applied to him

(2) In Parts II and III of this Act, any reference to any interest disposed of, policy of insurance effected, annuity or other interest purchased or provided or to any gift, settlement, disposition or transfer of property made, shall be construed as including any such interest, policy, annuity, gift, settlement or disposition, as the case may be, whether it was disposed of, effected, purchased or provided, or made before or after the commencement of this Act.

4. Estate duty authorities.—(1) There shall be the following authorities for the purposes of this Act, namely :—

(*a*) the Board.

(*b*) Controllers of Estate Duty.

(*c*) Valuers.

(2) The Central Government may appoint as many Controllers of Estate Duty as it thinks fit and they shall, subject to the control of the Board, perform their functions in respect of such estates or classes of estates and such areas as are assigned to them by the Board.

(3) The Central Government shall, within twelve months after the commencement of this Act and may thereafter from time to time, appoint a sufficient number of qualified persons to act as Valuers for the purposes of this Act and shall fix a scale of charges for the remuneration of such persons.

(4) Subject to the rules and orders of the Central Government regulating the conditions of service of persons in public services and posts, a Controller may appoint such executive or ministerial staff as may be necessary to assist him in the execution of his functions.

(5) All officers and persons employed in the execution of this Act, other than Valuers, shall observe and follow the orders, instructions and directions of the Board.

PART II.—IMPOSITION OF ESTATE DUTY

Extent of charge

5. Levy of estate duty.—(1) In the case of every person dying after the commencement of this Act, there shall, save as hereinafter expressly provided, be levied and paid upon the principal value ascertained as hereinafter provided of all property, settled or not settled, including agricultural land situate in the States specified in the Schedule to this Act, which passes on the death of such person, a duty called "estate duty" at the rates fixed in accordance with section 34.

(2) The Cental Government may, by notification in the Official Gazette, add the names of any other States to the Schedule in respect whereof resolutions have been passed by the Legislatures of those States that Parliament may legislate in respect of estate duty on agricultural lands situate in those States, and on the issue of any such notification the States so added shall be deemed to be States specified in the Schedule within the meaning of sub-section (1).

Property which is deemed to pass

6. Property within disposing capacity.—Property which the deceased was at the time of his death competent to dispose of shall be deemed to pass on his death.

7. Interests ceasing on death.—(1) Subject to the provisions of this section, property in which the deceased or any other person had an interest ceasing on the death of the deceased shall be deemed to pass on the deceased's death to the extent to which a benefit accrues or arises by the cessor of such interest, including, in particular, a coparcenary interest in the joint family property of a Hindu family governed by the Mitakshara, Marumakkattayam or Aliyasantana law.

(2) If a member of a Hindu coparcenary governed by the Mitakshara school of law dies, then the provisions of sub-section (1) shall not apply with respect to the interest of the deceased in the coparcenary property unless the deceased had completed his eighteenth year, or unless, at the time of his death, his father or other male ascendant in the male line was not a coparcener of the same family.

Explanation.—Where the deceased was also a member of a sub-coparcenary (within the coparcenary) possessing separate property of its own, the provisions of this sub-section shall have effect separately in respect of the coparcenary and the sub-coparcenary.

(3) If a member of any *tarwad* or *tavazhi* governed by the Marumakkattayam rule of inheritance or a member of a *kutumba* or *kavaru* governed by the Aliyasanthana rule of inheritance dies, then the provisions of sub-section (1) shall not apply with respect to the interest of the deceased in the property of the *tarwad*, *tavazhi*, *kutumba* or *kavaru*, as the case may be, unless the deceased had completed his eighteenth year.

(4) The provisions of sub-section (1) shall not apply to the property in which the deceased or any other person had an interest only as holder of an office or recipient of the benefits of a charity, or as a corporation sole.

8. Gifts *mortis causa*.—Property taken as a gift made in contemplation of death shall be deemed to pass on the donor's death.

Explanation.—In this section, the expression "gift made in contemplation of death" has the same meaning as in section 191 of the Indian Succession Act, 1925 (XXXIX of 1925).

9. Gifts within a certain period before death.—Property taken under a disposition made by the deceased purporting to operate as an immediate gift *inter vivos* whether by way of transfer, delivery, declaration of trust, settlement upon persons in succession, or otherwise, which shall not have been *bona fide* made two years or more before the death of the deceased shall be deemed to pass on the death :

Provided that in the case of gifts made for public charitable purposes the period shall be six months.

10. Gifts whenever made where donor not entirely excluded.—Property taken under any gift, whenever made, shall be deemed to pass on the donor's death to the extent that *bona fide* possession and enjoyment of it was not immediately assumed by the donee and thenceforward retained to the entire exclusion of the donor or of any benefit to him by contract or otherwise ;

Provided that the property shall not be deemed to pass by reason only that it was not, as from the date of the gift, exclusively retained as aforesaid, if, by means of the surrender of the reserved benefit or otherwise, it is subsequently enjoyed to the entire exclusion of the donor or of any benefit to him for at least two years before the death.

11. Limited interests disposed of within a certain period before death.—(1) Subject to the provisions of this section, where an interest limited to cease on a death has been disposed of or has determined whether by surrender, assurance, divesting, forfeiture or in any other manner (except by the expiration of a fixed period at the expiration of which the interest was limited to cease), whether wholly or *partly*, and whether for value or not, after becoming an interest in possession,—

(*a*) if apart from the disposition or determination the property in which the interest subsisted would have passed on the death under section 5, that property shall be deemed by virtue of this section to be included as to the whole thereof in the property passing on the death; or

(*b*) if apart from the disposition or determination the property in which the interest subsisted would have been deemed by virtue of section 7 to be included to a particular extent in the property passing on the death, the property in which the interest subsisted shall be deemed by virtue of this section to be included to that extent in the property passing on the death.

(2) Where the relevant disposition or determination was *bona fide* effected or suffered not less than two years before the death (or, if it was effected or suffered for public charitable purposes, not less than six months before the death), the preceding sub-section shall not have effect—

(*a*) if *bona fide* possession and enjoyment of the property in which the interest subsisted was assumed immediately thereafter by the person becoming entitled by virtue of or upon the disposition or determination and thenceforward retained to the entire exclusion of the person who had the interest and of any benefit to him by contract or otherwise: or

(*b*) in the case of a partial determination, if the conditions specified in the preceding paragraph were not satisfied by reason only of the retention or enjoyment by the deceased of possession of some part of the property, or of some benefit, by virtue of the provisions of the instrument under which he had the interest:

Provided that nothing in this sub-section shall be construed as affecting any charge of estate duty arising otherwise than by virtue of the provisions of the preceding sub-section.

(3) In the application of sub-section (1) to a case in which an incumbrance on the property in which the interest in question subsisted has been created by associated operations (as hereinafter defined in section 26) which included a disposition of that interest, references to that property shall be construed as references to that property free from the incumbrance, except in a case in which the incumbrance was created for consideration in money or money's worth which was applied for purposes calculated to maintain or increase the value of that property, and, in that case, shall be construed as references to that property subject to the incumbrace to the extent to which the consideration was so applied.

12. Settlements with reservation.—Property passing under any settlement made by the deceased by deed or any other instrument not taking effect as a will whereby an interest in such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the settler or whereby the settler may have reserved to himself the right by the exercise of any power, to restore to himself or to reclaim the absolute interest in such property shall be deemed to pass on the settler's death.

Explanation.—A settlor reserving an interest in the settled property for the maintenance of any of his relatives (as defined in section 26) or of himself and any of his relatives shall be deemed to reserve an interest for himself within the meaning of this section.

13. Joint investments.—Where a person, having been absolutely entitled to any property or to the funds with which any property was purchased, has caused it to be transferred to or vested in himself and any other person jointly, whether by disposition or otherwise, either by himself alone, or in concert, or by arrangement, with any other person so that the beneficial interest in some part of that property passes or accrues by survivorship on his death to the other person, the whole of that property shall be deemed to pass on the death.

14. Policies kept up for a donee.—(*1*) Money received under a policy of insurance effected by any person on his life, where the policy is wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit, shall be deemed to pass on the death of the assured.

Explanation.—A policy of insurance on the life of a deceased person effected by virtue or in consequence of a settlement made by the deceased shall be treated as having been effected by the deceased.

(*2*) For the purposes of sub-section (*1*), so much of the premiums paid on any policy of insurance as was, by virtue or in consequence of a settlement made by the deceased, paid out of property, whether or not provided by the deceased, comprised in the settlement or out of income, whether or not provided by the deceased, arising under the settlement, shall be treated as having been paid by the deceased:

Provided that any payments which were not made either out of property provided directly or indirectly by the deceased for the purposes of the settlement, or out of property representing that property, or out of income provided directly or indirectly by the deceased whether arising from such property or otherwise, shall not be treated as having been made by the deceased if the Controller is satisfied that those payments were not made as part of any reciprocal arrangements between the deceased and any other person.

(*3*) For the purposes of this section,—

(*a*) the expression "settlement" includes any disposition, trust, covenant, agreement or arrangement; and

(*b*) a person shall be deemed to have made a settlement if he has made or entered into the settlement directly or indirectly, and in particular (but without prejudice to the generality of the foregoing words of this clause) if he has provided or undertaken to provide funds directly or indirectly for the purposes of the settlement, or has made with any other person a reciprocal arrangement for that other person to make or enter into the settlement.

15. Annuity or other interest purchased or provided by the deceased.—Any annuity or other interest, including moneys payable under a policy of life assurance, purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person shall be deemed to pass on his death to the extent of the beneficial interest accruing or arising, by survivorship or otherwise, on his death.

Explanation.—The extent of the beneficial interest must be ascertained without regard to any interest in expectancy which the beneficiary may have had therein before the death.

16. Annuity or other interest purchased or provided out of property derived from the deceased.—(*1*) Section 15 shall have effect in relation to any annuity or other interest that was purchased or provided wholly or in part by any person who was at any time entitled to, or amongst whose resources there was at any time included, any property derived from the deceased, as if that annuity or other interest had been provided by the deceased, or if it is proved to the satisfaction of the Controller that the application of all the property derived from the deceased would have been insufficient to provide the whole of that annuity or other interest, as if a similar annuity or interest of an amount reduced to an extent proportionate to the insufficiency proved had been provided by the deceased :

Provided that for the purpose of determining whether there would have been any such insufficiency as aforesaid, and the extent thereof, there shall be excluded from the property derived from the deceased any part thereof as to which it is proved to the satisfaction of the Controller that the disposition of which it, or the property which it represented, was the subject-matter, was not made with reference to or with a view to enabling or facilitating, the purchase or provision of the annuity or other interest, or the recoupment in any manner of the cost thereof.

(*2*) In this section the following expressions have the meanings hereby assigned to them respectively, namely :—

(*a*) "property derived from the deceased" means any property which was the subject-matter of a disposition made by the deceased, either by himself alone or in concert or by arrangement with any other person, otherwise than for full consideration in money or money's worth paid to him for his own use or benefit, or which represented any of the subject-matter of such a disposition, whether directly or indirectly, and whether by virtue of one or more intermediate dispositions and whether any such intermediate disposition was or was not for full or partial consideration :

Provided that where the first-mentioned disposition was for full consideration in money or money's worth paid to the deceased for his own use or benefit and it is proved to the satisfaction of the Controller that the disposition was not part of associated operations which included—

(*a*) a disposition by the deceased, either by himself alone or in concert or by arrangement with any other person, otherwise than for full consideration in money or money's worth paid to the deceased for his own use or benefit ; or

(*b*) a disposition by any other person operating to reduce the value of the property of the deceased ;

then, in considering whether estate duty should be charged the said first mentioned disposition shall be left out of account as if this provision did not apply in relation to it ;

(*b*) "disposition" includes any trust, covenant, agreement or arrangement ; and

(*c*) "subject-matter" includes, in relation to any disposition, any annual or periodical payment made or payable under or by virtue of the disposition.

(*3*) For the purpose of section 33 the deceased shall be deemed to have had an interest in any property included by virtue of this section in the property passing on the death of the deceased.

Special provisions relating to transfers to companies.

17. Property transferred to a controlled company.—(*1*) Where the deceased has made to a controlled company a transfer of any property (other than an interest limited to cease on his death or property which he transferred in a fiduciary capacity), and any benefits accruing to the deceased from the company accrued to him in the

three years ending with his death, the assets of the company shall be deemed for the purposes of estate duty to be included in the property passing on his death to an extent determined in accordance with sub-section (2).

(2) The extent to which the assets of the company are to be deemed to be included as aforesaid shall be the proportion ascertained by comparing the aggregate amount of the benefits accruing to the deceased from the company in the last three accounting years with the aggregate amount of the net income of the company for the said years:

Provided that—

(a) where, in any of the said accounting years, the company sustained a loss, the amount that loss shall be deducted in ascertaining and said aggregate net income of the company;

(b) where the company came into existence in the last year but one, or in the last, of the said accounting years, the references in this sub-section to the said accounting years shall be construed as references to the last two, or, as the case may be, the last, of those years.

(3) The assets of the company which are deemed to be included in the property passing on the death of the deceased by virtue of this section shall include any assets thereof which have been disposed of or distributed by the company at any time between the beginning of the first of the accounting years aforesaid and the death of the deceased either—

(a) in or towards satisfaction of rights attaching to shares in or debentures of the company, or

(b) otherwise howsoever except as follows, that is to say, by way of sale for full consideration in money or money's worth received by the company for its own use and benefit, or in or towards discharge of taxes or rates or other liability imposed by or under an enactment, or in or towards discharge of a fine or penalty or a liability for tort incurred without collusion with the injured party, including assets which have been so disposed of or distributed in a winding up, whether continuing at or completed before the death:

Provided that this sub-section shall not apply to assets disposed of or distributed by way of payments from which income-tax was deductible, or which were assessable to income-tax, of amounts not exceeding in the aggregate, as respects payments made in any accounting year or in the period between the end of the last accounting year and the death of the deceased the amount of the income of the company for that year or period.

(4) The Board may make rules—

(a) prescribing the class of companies which shall be deemed to be controlled companies and the class of dispositions or operations which shall be deemed to be transfers;

(b) prescribing the matters to be treated as benefits accruing to the deceased from such a company, the manner in which their amount is to be determined, and the time at which they are to be treated as accruing;

(c) prescribing the manner in which the net income and the value of the assets of such a company are to be determined;

(d) prescribing the manner in which the accounting year is to be reckoned;

(e) prescribing the manner in which the shares and debentures of such a company passing upon the death of the deceased or to be valued for estate duty;

(f) prescribing the conditions upon which and the extent to which transactions in the name of such a company shall be deemed to be *bona fide* transactions for full consideration; and

(g) generally for the purpose of checking the avoidance of estate duty through the machinery of such a company:

Provided that all rules made under this sub-section shall be laid before the House of the People not less than fifteen days before the date of their final publication.

(5) For the purposes of section 33 the deceased shall be deemed to have had an interest in the property deemed by virtue of this section to be included in the property passing on his death.

18. Duty of company and officers of company to give information to Controller on death of transfer or.—(1) where the deceased has made a transfer of property to a controlled company as described in section 17 the company shall be under obligation to inform the Controller within one month from the date of the death of the deceased, of the death, of the fact that the deceased made a transfer of property to the company, and of the fact that benefits accrued to the deceased from the company, and every person who was an officer of the company at that date, or if the company has been wound up and dissolved before that date, who was an officer of the company at any time, shall be under the like obligation as respects such of the facts aforesaid as are within his knowledge, unless he knows, or has reasonable cause for believing, that the information in question has alreay been given to the Controller by the company or some other person.

(2) If the company or any such person as aforesaid who is under obligation by virtue of the preceding sub-section to give any information to the Controller makes default in the performance of that obligation, the Controller may impose upon the defaulter a penalty not exceeding one thousand rupees.

19. Collection and incidence of duty under section 17.—(1) The following persons shall be accountable for the duty payable on the death of the deceased by virtue of section 17, namely :—

(a) the company;

(b) any person (other than a *bona fide* purchaser for full consideration in money or money's worth received by the company for its own use and benefit) who receives, whether directly from the company or otherwise, or disposes of, any assets which the company had whether as capital or as income, at the death or at any time thereafter;

(c) any person who received any distributed assets of the company on their distribution:

Provided that a person shall not,—

(i) by virtue of clause (b), be accountable in respect of any assets for any duty in excess of the value of those assets, or

(ii) by virtue of clause (c), be accountable in respect of any assets for more than a part of the duty bearing to the whole thereof the same proportion as the value of the distribution of those assets bears to the principal value of the assets of the company passing on the death by virtue of section 17.

Explanation.—For the purposes of this sub-section the expressions "distributed assets" and "assets of the company passing on the death" do not include any distributed assets of the company which the deceased received on their distribution; and a person who, having received any distributed assets of the company, has died before the deceased shall be deemed to have been a person accountable by virtue of clause (c).

(2) Where a company incorporated outside the territories to which this Act extends is accountable for any duty by virtue of the preceding sub-section or of this sub-section, every person who is a member of that company at the death shall also

be accountable for a rateable part of that duty in proportion to the value of his interest in that company.

(3) A person accountable for any duty by virtue of this section shall, for the purpose of raising and paying the duty, have all the powers conferred on accountable parties.

(4) On a winding up of the company, sub-section (1) of section 230 of the Indian Companies Act, 1913 (VII of 1913), shall have effect as if there were included in clause (*a*) of that sub-section a reference to any duty payable in respect of assets of the company passing on a death by virtue of section 16 of this Act, and section 129 of the Indian Companies Act, 1913, shall have effect accordingly.

(5) The duty payable on the death of the deceased by virtue of section 17 shall be a first charge by way of floating security on the assets which the company had at the death or has at any time thereafter, and any part of the duty for which by virtue of clause (*c*) of sub-section (1) any person is accountable in respect of any distributed assets shall be a first charge also on those assets:

Provided that nothing in this sub-section shall operate to make any property chargeable as against a *bona fide* purchaser thereof for valuable consideration without notice.

(6) Where any duty has been—

(*a*) paid by a person accountable therefor by virtue only of clause (*c*) of sub-section (1); or

(*b*) raised by virtue of sub-section (5) out of any distributed assets charged therewith;

that person or, as the case may be, the person who was entitled to those assets subject to the charge, may (without prejudice to any right of contribution or indemnity which he may have apart from this sub-section) recover the amount of the duty so paid or raised as aforesaid from any person who is accountable therefor otherwise than by virtue of the said clause (*c*).

(7) No part of the duty paid by the company shall be recoverable by it from any person on the ground only that he is entitled to any interest in, or to any sum charged on, the assets which the company had at the death of the deceased.

(8) The provisions of sub-sections (1) and (3) of section 50 shall not have effect in relation to the duty payable by virtue of section 17.

PART III.—EXCEPTIONS FROM THE CHARGE OF DUTY.

20. Foreign Property.—(1) There shall not be included in the property passing on the death of the deceased—

(*a*) immoveable property situated outside the territories to which this Act extends or immovable property consisting of agricultural land situated in any State other than the States specified in the Schedule to this Act;

(*b*) movable property situated outside the territories to which this Act extends at the time of the death unless—

(i) in the case of any property, whether settled or not, the deceased was domiciled in the said territories at the time of his death; or

(ii) in the case of settled property of which the deceased was a life tenant, the settlor was domiciled in the said territories at the date the settlement took effect.

(2) The Board may make rule regulating the manner in which the nature and locality of different classes of assets shall be determined for the purposes of this section.

21. Property held by the deceased as trustee.—Property passing on the death of the deceased shall not be deemed to include property held by the deceased as trustee for another person under a disposition not made by the deceased or under a disposition made by the deceased where (whether by virtue of the original disposition or of a subsequent surrender of any benefit originally reserved to the deceased or otherwise) possession and enjoyment of the property was *bona fide* assumed by the beneficiary at least two years before the death and thenceforward retained by him to the entire exclusion of the deceased or of any benefit to the deceased by contract or otherwise.

22. Interest failing before becoming an Interest in possession.—In the case of settled property where the interest of any person under the settlement fails or determines by reason of his death before it becomes an interest in possession, and one or more subsequent limitations under the settlement continue to subsist, the property shall not be deemed to pass on his death by reason only of the failure or determination of that interest.

Explanation 1.—Where property is settled by a person on himself for life and after his death on any other person, with an ultimate reversion of an absolute interest or absolute power of disposition to the settlor, the property shall not be deemed to pass to the settlor on the death of such other person by reason only that the settlor being then in possession of the property as tenant for life becomes, in consequence of such death, entitled to the immediate reversion or acquires an absolute power to dispose of the whole property.

Explanation 2.—Where the interest of a person in settled property consists of an interest in the residue or part of the residue of an estate of a testator or intestate and the said estate continues to be under administration until the death of the person, the said interest of the person in the residue or part of the residue shall be deemed to have become an interest in possession on the date as from which the income from the residue or part of the residue would have been attributable to that interest if the residue had been ascertained immediately after the death of the testator or intestate.

23. Property reverting to disponer.—(*1*) Where by disposition of any property an interest is conferred on any person, other than the disponer, for the life of such person or determinable on his death and such person enters into position of the interest, and thenceforward retains position of it to the entire exclution of the disponer or of any benefit to him by contract or otherwise, and the only benefit which the disponer retains in the property, is subject to such life or determinable interest and no other interest, even contingent, is created by the disposition, then, on the death of such person, the property shall not be deemed to pass by reason only of its reveter to the disponer in his life time.

(*2*) Where by a disposition of any property any such interest as is mentioned in sub-section (*1*) is conferred on two or more persons either severally or jointly or in succession, sub-section (*1*) shall apply in like manner as where the interest is conferred on one person:

Provided that sub-section (*1*) shall not apply where such person or persons taking the said life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of the said property.

24. Income of settled property acquired on death of spouse.—Where a husband or wife is entitled, either solely or jointly with the other, to the income of any property settled by the other under a disposition which took effect before the commencement of this Act and on his or her death the survivor becomes entitled to the income of the property (as distinguished from the property itself) settled by such survivor, estate duty shall not be payable in respect of that property until the death of that survivor.

25. Property passing by reason of a *bona fide* purchase for full or partial consideration in money.—(*1*) Subject to the provisions of section 26 and section 44 estate duty shall not be payable in respect of property passing on the death of the deceased by reason only of a *bona fide* purchase from the person under whose disposition the property passes, nor in respect of the falling into possession of the reversion any lease for lives, nor in respect of the determination of any annuity for lives, where such purchase was made, or such lease or annuity granted, for full consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee.

(*2*) Where any such purchase was made, or lease or annuity granted, for partial consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee, the value of the consideration shall be allowed as a deduction from the value of the property for the purpose of estate duty.

26. Dispositions in favour of relatives.—(*1*) Where a person dying after the commencement of this Act has made a disposition of property in favour of a relative of his, the creation or disposition in favour of the deceased of an annuity or other interest limited to cease on the death of the deceased or of any other person shall not be treated for the purposes of section 25 or section 42 as consideration for the disposition made by the deceased.

(*2*) If the deceased has made in favour of a controlled company a disposition which, if it had been made in favour of a relative of his, would have fallen within sub-section (*1*), this section shall have effect in like manner as if the disposition had been made in favour of a relative of his, unless it is shown to the satisfaction of the Controller that no relative of the deceased was, at the time of the disposition or subsequently during the life of the deceased, a member of the company.

Explanation.—For the purposes of this sub-section a person who is, or is deemed by virtue of the provision to be, a member of a controlled company which is a member of another such company shall be deemed to be a member of that other company.

(*3*) Where there have been associated operations effected with reference to the receiving by the deceased of any payment in respect of such an annuity or other interest as is mentioned in sub-section (*1*), or effected with a view to enabling him to receive or to facilitating the receipt by him of any such payment, this section shall have effect in relation to each of those associated operations as it has effect in relation to the creation or disposition in favour of the deceased of such an annuity or other interest.

(*4*) In this section—

(*i*) "relative" means, in relation to the deceased,—

(*a*) the wife or husband of the deceased,

(*b*) the father, mother, children, uncles, and aunts, of the deceased, and

(*c*) any issue of any person falling within either preceding sub-clauses and the other party to a marriage with any such person or issue;

(*ii*) reference to "children" and "issue" include reference to illegitimate children and to adopted children;

(*iii*) "annuity" includes any series of payments, whether inter-connected or not, whether of the same or of varying amounts, and whether payable at regular intervals or otherwise, and payments of dividends or interests on shares in or debentures of a company shall be treated for the purposes of this section

as a series of payments constituting an annuity limited to cease on a death if the payments are liable to cease on the death, or the amounts thereof are liable to be reduced on the death, by reason directly or indirectly of the extinguishment or any alteration of rights attaching to, or of the issue of any shares in or debentures of a company;

(*iv*) "associated operations" means any two or more operations of any kind being,—

(*a*) operations which effect the same property, or one of which affects some property and the other or others of which affect property which represents, whether directly or indirectly, that property, or income arising from that property, or any property representing accumulations of any such income; or

(*b*) any two operations of which one is effected with reference to the other, or with a view to enabling it to be effected or to facilitating its being effected, and any third operation having a like relation to either of those two, and any fourth operation having a like relation to any of those three, and so on;

whether those operations are effected by the same person or by different persons, whether they are connected otherwise than as aforesaid or not, and whether they are contemporaneous or any of them precedes or follows any other.

27. Effect of new or increased rates of duty on certain prior sales and mortgages.—Where an interest in expectancy in any property has, whether before or after the commencement of this Act, been *bona fide* sold or mortgaged for full consideration in money or money's worth, and the rates of estate duty in force in the case of a person dying when the interest falls into possession are higher than the rates in force, if any, in the case of a person dying at the time of the sale or mortgage, then—

(*a*) no other duty on that property shall be payable by the purchaser or mortgagee when the interest falls into possession than the duty, if any, which would have been payable if the rates of estate duty applicable had been the rates in force, if any, in the case of a person dying at the time of the sale, or mortgage, and

(*b*) in the case of a mortgage, any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

28. Settled property in respect of which since the date of the settlement estate duty has been paid on the death of the deceased's spouse.—If estate duty has already been paid in respect of any settled property since the date of the settlement, on the death of one of the parties to a marriage, the estate duty shall not be payable in respect thereof on the death of the other party to the marriage, unless the latter was at the time of his death, or had been at any time during the continuance of the settlement, competent to dispose of such property, and, if on his death subsequent limitations under the settlement take effect in respect of such property, was *sui juris* at the time of his death, or had been *sui juris* at any time while so competent to dispose of the property.

29. Agreement for avoidance or relief of double taxation with respect to estate duty.—The Central Government may enter into an agreement with the Government of any reciprocating country for the avoidance or relief of double taxation with respect to estate duty leviable under this Act and under the corresponding law in force in the reciprocating country and may, by notification in the Official Gazette, make such provision as may be necessary for implementing the agreement.

Explanation.—The expression "reciprocating country" for the purposes of this Act means any country which the Central Government may, by notification in the Official Gazette, declare to be a reciprocating country.

30. Allowance for quick succession to land or a business.—Where the Board is satisfied that estate duty has become payable on any property consisting of land or on a business (not being a business carried on by a company) or any interest in such land or business passing upon the death of any person, and that subsequently within five years estate duty has again become payable on the same property or any part thereof passing on the death of the person to whom the property passed on the first death, the amount of estate duty payable on the second death in respect of the property so passing shall be reduced as follows :—

Where the second death occurs within one year of the first death, by 50 per cent. ;

Where the second death occurs within two years of the first death, by 40 per cent.;

Where the second death occurs within three years of the first death, by 30 per cent.;

Where the second death occurs within four years of the first death, by 20 per cent. ;

Where the second death occurs within five years of the first death, by 10 per cent.:

Provided that where the value on which the duty is payable of the property on the second death exceeds the value on which the duty was payable of the property on the first death, the latter value shall be substituted for the former for the purpose of calculating the amount of duty on which the reduction under this section is to be calculated.

31. Exemption of coparcenary interest of a Hindu widow dying within seven years of her husband's death.—Where on the death of a member of a Hindu coparcenary, his interest in the coparcenary property has devolved on his widow, then, if the widow dies within seven years of her husband's death and the interest aforesaid devolves upon the members of the coparcenary or any of them, no estate duty shall be leviable in respect of the passing of the interest aforesaid on the death of the widow, if and in so far as estate duty had been paid in respect of the passing of such interest on the death of her husband.

32. Exemptions, reductions and other modifications.—The Central Government may, by notification in the Official Gazette, make any exemption, reduction in rate or other modification in respect of estate duty in favour of any class of property or the whole or any part of the property of any class of persons.

PART IV.—AGGREGATION OF PROPERTY AND RATES OF DUTY.

33. Aggregation.—(1) For determining the rate of estate duty to be paid on any property passing on the death of the deceased, all property so passing in respect of which estate duty is leviable shall be aggregated so as to form one estate and the duty shall be levied at the proper graduated rate on the principal value thereof:

Provided that any property so passing, in which the deceased never had an interest, not being a debt or right or benefit that is treated as property by virtue of the *Explanations* to clause (15) of section 2, shall not be aggregated with any other property, but shall be an estate by itself and the estate duty shall be leviable at the proper graduated rate on the principal value thereof.

(2) Every estate shall include all income accrued upon the property included therein down to and outstanding at the date of the death of the deceased.

(3) Property passing on any death shall not be aggregated more than once nor shall estate duty in respect thereof be levied more than once on the same death.

34. Rates of duty to be according to Central Act.—The rates of estate duty shall be according to such scale as may be fixed by an Act of Parliament.

PART V.—VALUE CHARGEABLE.

35. **Principal value how to be estimated.**—(*1*) The principal value of any property shall be estimated to be the price which, in the opinion of the Controller it would fetch if sold in the open market at the time of the deceased's death.

(*2*) In estimating the principal value under this section the Controller shall fix the price of the property according to the market price at the time of the deceased's death and shall not make any reduction in the estimate on account of the estimate being made on the assumption that the whole property is to be placed on the market at one and the same time :

Provided that where it is proved to the satisfaction of the Controller that the value of the property has depreciated by reason of the death of the deceased, the depreciation shall be taken into account in fixing the price.

36. Valuation of shares in a private company where alienation is restricted.—Where the articles of association of a private company contain restrictive provisions as to the alienation of shares, the value of the shares, if not ascertainable by reference to the value of the total assets of the company, shall be estimated to be what they would fetch if they could be sold in the open market on the terms of the purchaser being entitled to be registered as holder subject to the articles, but the fact that a special buyer would for his own special reasons give a higher price than the price in the open market shall be disregarded.

37. Valuation of interests in expectancy.—Where an estate includes an interest in expectancy, estate duty in respect of that interest shall be paid, at the option of the person accountable for the duty, either with the duty in respect of the rest of the estate or when the interest falls into possession and if the duty is not paid with the estate duty in respect of the rest of the estate, then—

(*a*) for the purpose of determining the rate of estate duty in respect of the rest of the estate, the value of the interest shall be its value at the date of the death of the deceased; and

(*b*) the rate of estate duty in respect of the interest when it falls into possession shall be calculated according to its value when it falls into possession, together with the value of the rest of the estate as previously ascertained.

38. Valuation of benefits from interests ceasing on death.—The value of the benefit accruing or arising from the cessor of an interest ceasing on the death of the deceased shall—

(*a*) if the interest extended to the whole income of the property, be the principal value of that property ; and

(*b*) if the interest extended to less than the whole income of the property, be the principal value of an addition to the property equal to the income to which the interest extended.

39. Valuation to be made by the Controller.—Subject to the provisions of this Act, the value of any property for the purpose of estate duty shall be ascertained by the Controller in such manner and by such means as he thinks fit and if he authorises a person to inspect any property and to report the value thereof for the purposes of this Act, that person may enter upon the property and inspect it at such reasonable times as the Controller considers necessary.

40. Costs of valuation.—Where the Controller requires any person to report on the value of any property for the purposes of this Act, the reasonable costs of such valuation shall be defrayed by the Controller.

41. Controller may accept and certify valuation when convenient.—The Controller on application from a person accountable for the duty on any property forming part of an estate shall, where he considers that it can conveniently be done, certify the amount of the valuation accepted by him for any class or description of property forming part of such estate.

PART VI.—DEDUCTIONS

42. Reasonable funeral expenses and, with some exceptions, debts and incumbrances to be allowed for in determining chargeable value of estate.—In determining the value of an estate for the purpose of estate duty, allowance shall be made for reasonable funeral expenses and for debts and incumbrances; but an allowance shall not be made—

(*a*) for debts incurred by the deceased, or incumbrances created by a disposition made by the deceased, unless, subject to the provisions of section 26, such debts or incumbrances were incurred or created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit and take effect out of his interest, or,

(*b*) for any debt in respect whereof there is a right to reimbursement from any other estate or person, unless such reimbursement cannot be obtained, or,

(*c*) more than once for the same debt or incumbrance charged upon different portions of the estate,

and any debt or incumbrance for which an allowance is made shall be deducted from the value of the property liable thereto.

43. Limitations on debts deductible.—Where a debt or incumbrance has been incurred or created in whole or in part for the purpose of or in consideration for the purchase or acquisition or extinction, whether by operation of law or otherwise of any interest in expectancy in any property passing or deemed to pass on the death of the deceased and any person whose interest in expectancy is so purchased, acquired, or extinguished becomes (under any disposition made by or through devolution of law from, or under the intestacy of, the deceased) entitled to any interest in that property, then in determining the value of the estate of the deceased for the purpose of estate duty no allowance shall be made in respect of such debt or incumbrance, and any property charged with any such debt or incumbrance shall be deemed to pass freed from that debt or incumbrance:

Provided that—

(*a*) if part only of such debt or incumbrance was incurred or created for such purpose or as such consideration as aforesaid, this provision shall apply to that part of such debt or incumbrance only; and

(*b*) if a person whose interest in expectancy in the property so purchased, acquired or extinguished becomes entitled to an interest in part only of that property, this provision shall apply only to such part of the debt or incumbrance as bears the same proportion to the whole debt or incumbrance as the value of the part of the property to an interest in which he becomes entitled bears to the value of the whole of that property.

44. Further limitations.—(*1*) Any allowance which, but for this provision, would be made under section 42 for a debt incurred by the deceased as mentioned in clause (*a*) of that section, or for an incumbrance created by a disposition made by

the deceased as therein mentioned, shall be subject to abatement to an extent proportionate to the value of any of the consideration given therefor which consisted of—

(*a*) property derived from the deceased; or

(*b*) consideration not being such property as aforesaid, but given by any person who was at any time entitled to, or amongst whose resources there was at any time included, any property derived from the deceased:

Provided that if, where the whole or a part of the consideration given consisted of such consideration as is mentioned in clause (*b*) of this sub-section, it is proved to the satisfaction of the Controller that the value of the consideration given, or of that part thereof, as the case may be, exceeded that which could have been rendered available by application of all the property derived from the deceased, other than such (if any) of that property as is included in the consideration given or as to which the like facts are proved in relation to the giving of the consideration as are mentioned in the proviso to sub-section (*1*) of section 16 in relation to the purchase or provision of an annuity or other interest no abatement shall be made in respect of the excess.

(*2*) Money or meney's worth paid or applied by the deceased in or towards satisfaction or discharge of a debt or incumbrance in the case of which sub-section (*1*) would have had effect on his death if the debt or incumbrance had not been satisfied or discharged, or in reduction of a debt or incumbrance in the case of which that sub-section has effect on his death, shall, unless so paid or applied three years before the death, be treated as property deemed to be included in the property passing on the death and estate duty shall notwithstanding anything in section 24, be payable in respect thereof accordingly.

(*3*) The provisions of sub-section (*2*) of section 16 shall have effect for the purpose of this section as they have effect for the purpose of that section.

45. Debts to persons resident out of India not to be deducted in first instance except from duty-paid property outside India.—An allowance shall not be made in the first instance for debts due from the deceased to persons resident out of the territories to which this Act extends (unless contracted to be paid in the said territories or charged on properties situate within the said territories), except out of the value of any property of the deceased situate out of the said territories in respect of which estate duty is paid; and there shall be no repayment of estate duty in respect of any such debts, except to the extent to which it is shown to the satisfaction of the Controller that the property of the deceased situate in the foreign country in which the person to whom such debts are due resides is insufficient for their payment.

46. Cost of realising or administering foreign property may be allowed for within certain limits.—Where the Controller is satisfied that any additional expense in administering or in realising property has been incurred by reason of the property being situate out of the territories to which this Act extends, he may make an allowance from the value of the property on account of such expense not exceeding in any case five per cent on the value of the property.

47. Allowance for duty paid in a non-reciprocating country.—Where any property passing on the death of the deceased is situate in a non-reciprocating country and the Controller is satisfied that by reason of such death any duty is payable in that country in respect of that property, he may make an allowance of the whole or any part of the amount of that duty from the value of the property.

Explanation.—In this section, the expression "non-reciprocating country" means any country other than India which has not been declared to be a reciprocating country for the purposes of this Act.

PART VII—COLLECTION OF THE DUTY

48. Method of collection of duty.—Estate duty may be collected by such means and in such manner as the Board may prescribe.

49. Payment of duty may be accepted in prescribed Government securities.—The Board may prescrib that Government securities shall be accepted in payment of estate duty on such terms as it thinks fit.

50. Persons, accountable, and their duties and liabilities.—(*1*) Where any property passes on the death of the deceased—

(*a*) every legal representative to whom such property so passes for any beneficial interest in possession or in whom any interest in the property so passing is at any time vested,

(*b*) every trustee, guardian, committee or other person in whom any interest in the property so passing or the management thereof is at any time vested, and

(*c*) every person in whom any interest in the property so passing is vested in possession by alienation or other derivative title,

shall be accountable for the whole of the estate duty on the property passing on the death but shall not be liable for any duty in excess of the assets of the deceased which he actually received or which, but for his own neglect or default, he might have received :

Provided that nothing in this section shall render a person accountable for duty who acts merely as agent or bailiff for another person in the management of property.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an heir-at-law proves to the satisfaction of the Controller that some other person is in adverse possession of any assets of the deceased, the heir-at-law shall not be accountable for the portion of the estate duty payable in respect of such assets :

Provided that he shall become so accountable if, and to the extent that, he subsequently recovers possessions of such assets.

(*3*) Every person accountable for estate duty under the provisions of this section shall, within six months of the death of the deceased or such later time as the Controller may allow, deliver to the Controller and verify to the best of his knowledge and belief, an account of all the property in respect of which estate duty is payable.

(*4*) Where the person accountable knows of any property which he has not included in his account because he does not know its amount or value, he may state that such property exists, but he does not know the amount or value thereof and that he undertakes, as soon as the amount and value are ascertained to bring a supplementary account thereof and to pay both the duty for which he may be liable in respect of such property and any

(*5*) Where two or more persons are accountable, whether in the same capacity or in different capacities, for estate duty in respect of any property passing on the death of the deceased, they shall be liable jointly and severally for the whole of the estate duty on the property so passing.

51. Every person believed to be in possession to deliver statement of particulars of property as required by Controller.—Every person accountable for estate duty, every company to which, in the opinion of the Controller, a transfer of property has been made by the deceased as mentioned in section 17, every person who is or was at any time an officer or auditor of such a company, and every person whom the Controller believes to have taken possession of or admimistered any part of the estate in respect of which duty is leviable on the death of the deceased, or of the income of any part of such estate shall, if required by the Controller, deliver to

him and verify, to the best of his knowledge and belief, a statement of such particulars together with such accounts, documents, evidence or information as the Controller may require relating to any property which he has reason to believe to form part of an estate in respect of which estate duty is leviable on the death of the deceased.

52. Penalty for default.—Any person who without reasonable cause has failed to comply with the provisions of section 50 or section 51 or has failed to comply with the said provisions within the time allowed, shall be liable to pay a penalty of one thousand rupees or a sum equal to double the amount of estate duty, if any, remaining unpaid for which he is accountable, according as the Controller may direct :

Provided that the Controller may reduce the penalty in any particular case.

53. Executor to specify all chargeable property with affidavit of valuation.—In all cases in which a grant of representation is applied for within six months of the death of the deceased—

(*a*) the executor of the deceased shall, to the best of his knowledge and belief, specify in an appropriate account annexed to the affidavit of valuation filed in court under section 19-I of the Court-fees Act, 1870 (VII of 1870), all the property in respect of which estate duty is payable upon the death of the deceased and shall deliver a copy of the affidavit with the account to the Controller, and

(*b*) no order entitling the applicant to the grant of representation shall be made upon his application until he has delivered the account prescribed in clause (*a*) and has produced a certificate from the Controller under section 55 or section 61 that the estate duty payable in respect of the property included in the account has been or will be paid, or that none is due, as the case may be.

54. Estate duty when due and how and when to be collected.—(*1*) Estate duty shall be due from the date of the death of the deceased and shall be collected upon the account delivered under section 50 or clause (*a*) of section 53 or the account prepared under sub-section (*2*) of section 55.

(*2*) When any estate duty, penalty, interest or any other sum chargeable under this Act has been determined in consequence of anyorder passed under or in pursuance of this Act, the Controller shall serve on the person accountable a notice of demand in the prescribed form specifying the sum so payable and the time within which and the place at which it is payable.

55. Duty to be paid or security for payment furnished on delivery of account and certificate to be granted thereupon.—Upon delivery of the account under section 50 or clause (*a*) of section 53, the person delivering it shall pay to the Controller, or furnish security to the satisfaction of the Controller for the payment of, the estate duty, if any, payable in respect of the property included in the account, and the Controller shall thereupon grant him a certificate that such duty has been or will be paid, or that none is due, as the case may be.

56. Controller's powers in respect of valuations.—(*1*) If the Controller is of opinion that the person delivering the account has under-estimated the value of the property in respect of which estate duty is payable (whether by placing too low a value on the property included in the account or by omitting to include therein property that ought to have been included), the Controller may inquire into the matter in such manner and by such means as he thinks fit and, if still of opinion that the value of the property has been under-estimated, may require him to amend the valuation, and if that person does not amend the valuation to the satisfaction of the Controller the Controller may determine the valuation on the basis of which estate duty is payable.

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(2) In any case where no account has been delivered as required by section 50 or clause (a) of section 53, the Controller may cause an account of the property passing on the death of the deceased to be prepared in such manner and by such means as be thinks fit and may call upon any person who in his opinion is accountable for the payment of estate duty in respect of the property to accept such account, and if that person does not accept the account or his liability, the Controller may determine the estate duty payable by that person.

Appeal against determination by Controller.—(1) Any person objecting to the valuation made or the estate duty determined by the Controller of denying his liability to account for the duty payable in respect of any property, may, within ninety days of the receipt of the notice of demand under section 54, appeal to the Board in the prescribed form and verified in the prescribed manner.

(2) The Board may admit an appeal after the expiry of ninety days referred to in sub-section (1) if it is satisfied that there was sufficient cause for not presenting it within that period.

(3) The Board may, in disposing of any appeal hold or cause to be held such further inquiry as it thinks fit, and after giving the appellant an opportunity of being heard, pass, subject to the provisions of sub-section (4) such orders thereon as it thinks fit and shall send a copy of such orders to the appellant and the Controller.

(4) Where the dispute pertains to the valuation of any property, the appellant may require the Board to refer the question of disputed value to the arbitration of the Valuers, and the cost of such arbitration shall be paid by the appellant.

(5) Notwithstanding that an appeal has been filed before the Board, so much of the estate duty as is not in dispute shall be payable by the appellant.

58. Statement of case by the Board to High Court.—(1) Within ninety days of the date upon which he is served with an order under sub-section (3) of section 57, the person accountable may present an application to the Board in the prescribed form, accompanied by a fee of five hundred rupees, requiring the Board to refer to the High Court any question of law arising out of such order, and the Board shall, if in its opinion a question of law arises out of such order, state the case for the opinion of the High Court:

Provided that the Board may admit such an application after the expiry of ninety days if it is satisfied that there was sufficient cause for not presenting it within the said period.

(2) If, on an application made under sub-section (1), the Board—

(a) refuses to state a case on the ground that no question of law arises or

(b) rejects it on the ground that it is time-barred, the person accountable may, within three months from the date on which he is served with a notice of refusal or rejection, as the case may be, apply to the High Court, and the High Court may, if it is not satisfied with the correctness of the decision of the Board, require the Board to state the case to the High Court and on receipt of such requisition the Board shall state the case:

Provided that if, in any case where it has been required by a person accountable to state a case, the Board refuses to do so on the ground that no question of law arises, such person may within thirty days from the date on which he receive notice of the refusal to state the case, withdraw his application and if he does so the fee paid by him under sub-section (1) shall be refunded.

(3) Section 5 of the Indian Limitation Act, 1908 (IX of 1908) shall apply to an applicatian to the High Court under sub-section (2).

(4) If, on an application made under sub-section (1), the Board is of opinion that either on account of the importance of any question of law involved in the case or on account of a conflict in the decisions of different High Courts in respect of any particular question of law arising therefrom, it is expedient that a case should

be stated direct to the Supreme Court, the Board may state the case direct to the Supreme Court.

(5) The case shall set forth the facts, the determination of the Board and the questions of law which arise out of the case.

(6) If the High Court or the Supreme Court is not satisfied that the case as stated is sufficient to enable it to determine the questions of law raised thereby, the Court may require the Board to make such additions thereto, or alterations therein, as it may direct in this behalf.

(7) The High Court or the Supreme Court upon hearing any such case shall decide the question of law raised therein and in doing so may, if it thinks fit, alter the form of the question of law and shall deliver its judgment thereon containing the ground on which such decision is founded and shall send a copy of such judgment, under the seal of the Court and the signature of the Registrar, to the Board which shall pass such orders as are necessary to dispose of the case conformably to such judgment.

(8) The costs of any reference to the High Court or to the Supreme Court shall be in the discretion of the Court.

(9) Notwithstanding that a reference has been made under this section to the High Court or to the Supreme Court, estate duty shall be payable in accordance with the determination made by the Board.

(10) For the purposes of this section "High Court" means the High Court to which, or to a court subordinate to which, an application for grant of representation has been made, or where no such application has been made, the High Court which would have jurisdiction to entertain such an application.

59. Case to be heard by Benches of High Courts and appeal to lie in certain cases to the Supreme Court.—(1) When a case has been stated to the High Court under section 58, it shall be heard by a Bench of not less than two Judges of the High Court, and shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges:

Provided that where there is no such majority, the Judges shall state the point of law upon which they differ, and the case shall then be heard upon that point only by one or more of the other Judges of the High Court, and such point shall be decided according to the opinion of the majority of the Judges who have heard the case, including those who first heard it.

(2) An appeal shall lie to the Supreme Court from any judgment of the High Court delivered on a case stated under section 58 in any case which the High Court certifies to be a fit one for appeal to the Supreme Court.

(3) The provisions of the Code of Civil Procedure, 1908 (Act V of 1908), relating to appeals to the Supreme Court shall, so far as may be, apply in the case of appeals under this section in like manner as they apply in the case of appeals from decrees of a High Court;

Provided that nothing in the sub-section shall be deemed to affect the provisions of sub-section (7) of section 58:

Provided further that the High Court may, on petition made for the execution of the order of the Supreme Court in respect of any costs awarded thereby, transmit the order for execution to any court subordinate to the High Court.

(4) Where the judgment of the High Court is varied or reversed in appeal under this section, effect shall be given to the order of the Supreme Court in the manner provided in sub-section (7) of section 58.

60. Grant of representation not to be delayed on reference to High Court.—Where any grant of representation has been applied for, it shall not be delayed by reason of any reference to a High Court under section 58.

61. Certificate of payment of duty, and penalty for non-payment.—(1) Where the valuation is amended by the person accountable upon the Controller's requisition under sub-section (1) of section 56 or is enhanced by the High Court upon the Board's reference under section 58, and in any case where the original valuation has been discovered to be too low, such person shall, within one month of the amendment or enhancement or discovery, pay the deficit duty which is payable in respect of the property upon the amended or enhanced or full valuation and the Controller shall thereupon grant him a certificate accordingly.

(2) Where the valuation is reduced by the High Court on the Board's reference under section 58, the Controller shall refund to the person accountable any excess duty paid by him and shall grant to him a certificate that the full duty payable in respect of the property has been paid.

(*3*) In any case where no account has been delivered as required by section 50 or clause (*a*) of section 53 the person who is called upon to accept the account prepared by the Controller under sub-section (*2*) of section 55 shall, within one month of his acceptance or, as the case may be, of the final disposal of the reference made under sub-section (*1*) of section 58, pay the full duty payable in respect of the property and the Controller shall thereupon grant him a certificate accordingly.

(*4*) If the person accountable does not pay the amount of duty due from him under sub-section (*1*) or sub-section (*3*) within the period specified therein, he shall be liable to a penalty of one thousand rupees or a sum equal to five times the amount due according as the Controller may elect:

Provided that the Controller may in any particular case reduce the penalty.

(*5*) Where a person accountable for the estate duty in respect of any property passing on a death applies to the Controller at any time and delivers and verifies a full statement to the best of his knowledge and belief of all property passing on such death and the several persons entitled thereto, the Controller may determine the estate duty payable in respect of the property and on payment of that duty, the Controller shall give him a certificate accordingly.

62. Commutation of duty in respect of interest in expectancy.—The Controller in his discretion may, upon application by a person entitled to an interest in expectancy, commute the estate duty which would or might, but for the commutation, become payable in respect of such interest for a certain sum to be presently paid, and, for determining that sum, shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and rate and amount of such duty, and interest being reckoned at three per cent; and on the receipt of such sum the Controller shall give a certificate accordingly.

63. Assessment in complicated cases.—Where by reason of the number of deaths upon which property has passed or of the complicated nature of the interests of different persons in property which has passed on death, or from any other cause, it is difficult to ascertain exactly the amount of estate duty payable in respect of any property or any interest therein or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Board, on the application of any person accountable for the duty and upon his giving to the Board all the information in his power respecting the amount of the property and the several interests therein and other circumstances of the case, may be way of composition for all or any of the duties payable in respect of the property or interest and the various interests therein or any of them, assess such sum on the value of the property or interest, as having regard to the circumstances appears proper, and may accept payment of the sum so assessed in full payment of all claims for estate duty in respect of such property or interest, and shall give a certificate accordingly.

64. Controller may allow postponement of payment on terms—Where the Controller is satisfied that the estate duty leviable in respect of any property cannot, without excessive sacrifice, be raised at once, he may allow payment to be postponed for such period, to such extent, and on payment of such interest not exceeding four per cent, or any higher interest yielded by the property, and on such other terms as he may think fit.

65. Board may remit duty and interest outstanding after twenty years from death.—If after the expiration of twenty years from a death upon which estate duty became leviable any such duty remains unpaid, the Board may, if it thinks fit, on the application of any person accountable or liable for such duty or interested in the property, remit the payment of such duty or any part thereof or any interest thereon.

66. Forms.—All affidavits, accounts, certificates, statements and forms used for the purposes of this Part of this Act shall be in such form and contain such particulars as may be prescribed by the Board and, if so required by the Board, shall be in duplicate and accounts and statements shall be delivered and verified on oath and by production of books and documents in the manner prescribed by the Board and any person who wilfully fails to comply with the provisions of this section shall be liable to the penalty mentioned in section 52.

67. Recovery of duty and penalties.—Any estate duty or deficit duty and any interest or penalty payable under this Act may, on the certificate of the Controller, be recovered from the person liable thereto as if it were an arrear of land revenue by any Collector in any State.

PART VIII.—CHARGE OF ESTATE DUTY ON PROPERTY AND FACILITIES FOR RAISING IT.

68. Estate duty a first charge on property liable thereto.—(*1*) Subject to the provisions of section 19, the estate duty payable in respect of property, movable or immovable, passing on the death of the deceased, shall be a first charge on the immovable property so passing (including agricultural land) in whomsoever it may vest on his death after the debts and incumbrances allowable under Part VI of this Act; and any private transfer or delivery of such property shall be void against any claim in respect of such estate duty.

(*2*) A rateable part of the estate duty on an estate, in proportion to the value of any beneficial interest in possession in movable property which passes to any person (other than the legal representative of the deceased) on the death of the deceased shall be a first charge on such interest:

Provided that the property shall not be so chargeable as against a *bona fide* purchaser thereof for valuable consideration without notice.

(*3*) The Board may release the whole or any part of any property, whether movable or immovable, from charge under this section in such circumstances and on such conditions as it thinks fit.

69. Discharge from estate duty in certain cases.—A certificate granted by the Controller under section 61, or by the Board under section 63, shall discharge the property included therein and the grantee so far as regards that property from any further claim for estate duty, but shall not discharge any person or property from estate duty in case of fraud or failure to disclose material facts and shall not affect the duty payable in respect of any property afterwards shown to have passed on the death nor any further duty payable by reason thereof in respect of the property included in the certificate:

Provided nevertheless that a certificate purporting to be a discharge of the whole estate duty payable in respect of any property included in the certificate shall

exonerate a *bona fide* purchaser for valuable consideration without notice from the duty notwithstanding any such fraud or failure.

70. Person accountable to be repaid by trustees and owners in certain case.—If a person accountable under section 50 pays any part of the estate duty in respect of any property not passing to him, it shall, where occasion requires, be repaid to him by the trustees or owners of the property.

71. Facilities for paying duty or raising amount already paid.—(*1*) A person authorised or required to pay estate duty in respect of any property shall, for the purposes of paying the duty, or raising the amount of the duty when already paid, have power, whether the property is or is not vested in him, to raise the amount of such duty and any interest and expenses properly paid or incurred by him in respect thereof, by the sale or mortgage of or a terminable charge on that property or any part thereof.

(*2*) A person having an interest in any property, who pays the estate duty in respect of that property, shall be entitled to the like charge, as if the estate duty in respect of that property had been raised by means of a mortgage to him.

(*3*) Any money arising from the sale of property comprised in a settlement or held upon trust to lay out upon the trusts of a settlement may be expended in paying any estate duty in respect of property comprised in the settlement and held upon the same trusts.

PART IX.—MISCELLANEOUS

72. Jurisdiction of courts barred save as expressly provided.—Save as provided in this Act, nothing done or in good faith purporting to be done by any estate duty authority under this Act shall be called in question in any court.

73. Disclosure of information by a public servant.—The provisions of section 54 of the Indian Income-tax Act, 1922 (XI of 1922), shall apply to all accounts, statements, documents, evidence or affidavits, given, produced or obtained in connection with or in the course of the proceedings under this Act :

Provided that nothing in the said section 54 shall apply to the disclosure of any such particulars to any person acting in the execution of this Act or of the Indian Income-tax Act, 1922, where it is necessary or desirable to disclose the same to him for the purposes of either this Act or the said Act.

74. Rule-making powers of the Board.—Subject to the condition of previous publication, the Board may make rules not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out the purposes of or giving effect to this Act.

THE SCHEDULE

(*See* section 5)

States in which estate duty is leviable on agricultural land.

Bombay.
Orissa.
Uttar Pradesh.
Hyderabad.
Rajasthan.
Madhya Pradesh.

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STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to impose an estate duty on property passing or deemed to pass on the death of a person. Though the levy and collection of income-tax at high rates since the War and investigations undertaken by the Income-tax Investigation Commission in a number of important cases of tax evasion have, no doubt, prevented to some extent the further concentration of wealth in the hands of those who are already wealthy, yet these do not amount to positive steps in the direction of reducing existing inequalities in the distribution of wealth. It is hoped that by the imposition of an estate duty such unequal distributions may be rectified to a large extent. Such a measure would also assist the States towards financing their development schemes. In their draft outline Report, the Planning Commission have, it will be recalled, stressed the necessity of undertaking legislation to levy death duties in India as early as possible.

2. A Bill seeking to impose such a duty was first introduced in 1946 and then re-introduced in the provisional Parliament in 1948. The latter Bill after being considered by the Select Committee lapsed on the dissolution of that Parliament. The present Bill is practically a reproduction of that Bill as reported on by the Select Committee, but certain changes have been made, which are as follows :—

(1) When the earlier Bill was drafted, the Centre had no jurisdiction to legislate in respect of agricultural land, but now some States have passed necessary resolutions under article 252 of the Constitution, and the Bill therefore applies also to agricultural lands in such States. As and when the remaining States pass the necessary resolutions, the Schedule will be amended by a Notification of the Central Government to include such States.

(2) In respect of the movable property of the deceased, the levy of duty will depend upon his domicile only. The alternative basis of residence in the Bill as amended by the Select Committee has been omitted.

(3) As in the case of Income-tax law, the fixation of the rates of duty and of the maximum limits of exemption will be regulated by the annual finance Acts.

(4) For the sake of administrative convenience, the power to assess duty is assigned to the Controller of Estate Duty, a new authority which will function under the Central Board of Revenue.

(5) Appeals from the orders of the Controller of Estate Duty will lie to the Central Board of Revenue, and, as in the Indian Income-tax Act, 1922, references to the High Court may be made on questions of law.

3. Under article 269 of the Constitution, the net proceeds of the estate duty will be assigned to the States on such principles of distribution as Parliament may hereafter formulate. The appropriate estate duty on agricultural land situate in a State will, of course, be assigned to that State.

C. D. DESHMUKH.

NEW DELHI;
The 2nd August, 1952.

Notes on Clauses.

In the drafting of the Bill including the definition and interpretation clauses (clauses 2 and 3) the U.K. Acts on the subject have been followed as closely as possible so that the assistance of the U.K. decisions may be available.

Clause 2.—The various sub-clauses define the terms used in the Bill. Sub-clauses (2), (3), (5), (6), (7), (10), (14), (17), (18) and (19) are self-explanatory.

Sub-clause (1).—Under section 19-I of the Court-fees Act, 1870, any person applying for the grant of a probate or letters of administration is required to file an affidavit in the prescribed form showing the valuation of the property and the credits which the deceased possessed or was entitled to at the time of his death and which had come or are likely to come in the hands of the applicant. This affidavit of valuation contains details of movable and immovable property along with a schedule of debts. Succession certificates are issued by the Court on payment of requisite stamp duty on the basis of such affidavit of valuation. Under clause 53 of the Bill, an executor is required to annex to the affidavit of valuation an account of all the property on which estate duty is payable and to send a copy thereof to the Controller of Estate Duty.

Sub-clause (4).—In the rules to be framed under clause 17 (4) "controlled company" will be defined in practically the same manner as in section 58 of the U.K. Finance Act, 1940, as amended from time to time. The reason why "controlled company" is not being defined in the Bill itself is that these provisions have been undergoing changes from time to time. These constant changes indicate the desirability of making the provisions flexible so as to meet new methods of evasion; hence their relegation to rules in the present Bill.

Sub-clause (8).—The definition of "executor" has been made sufficiently elastic to include every person who as executor, nearest of kin, or creditor or otherwise interferes with or enters upon the possession or management of the estate of the deceased with or without any grant of representation.

Sub-clause (9).—A person who has "general power" as defined in this sub-clause, is a person who is competent to dispose of property whether he is *sui juris* or not.

"General power" means complete authority to dispose of a property in any manner by the holder thereof.

Sub-clause (11).—Interest in expectancy is in contrast with the interest which has fallen into possession, but it does not mean that every interest not in possession is necessarily an interest in expectancy. An "interest in expectancy" is an interest which excludes its owner from the present beneficial enjoyment, being contingent upon the happening of another event. For instance if A bequeaths a property to B for life, and on his death to C then C's interest in the property is only an "interest in expectancy" which may or may not materialize.

Sub-clause (12).—The definition of "legal representative" was included by the Select Committee on the Estate Duty Bill of 1948. The definition is on the lines of that contained in the Civil Procedure Code, 1908, but it has been made clear that where the deceased is a co-parcener of a Hindu family the expression would include the manager for the time being of the family.

Sub-clause (13),—This is taken from the *Explanation* to section 69 of the Indian Succession Act, 1925.

Sub-clause (15).—*Explanations* (1) and (2) bring within the definition of "property" a debt or a right enforceable against a person when created by him or with his consent as also the benefit resulting from the extinguishment of a debt or a right at the expense of a deceased person.

Sub-clause (16).—Estate duty has been made payable on property that passes on death (see clause 5) and the definition of this expression has been so worded as to include all possible rights and interests that may pass on death.

Sub-clause (19).—The main question of fact that may have to be determined in the imposition of estate duty would be the market value of preperty; it has therefore been provided that the person accountable for estate duty would have the right to ask for the arbitration by a "Valuer" to be appointed by the Government. These valuers will be non-officials like the Board of Referees under the Excess Profits Tax Act.

Clause 3.—Clauses (*a*), (*c*) and (*d*) of sub-clause (1) are adapted from section 22 (2), U.K. Finance Act, 1894. Clause (*b*) is new.

Property which a person is legally competent to dispose of is deemed in pass on his death (*vide* clause 6) and is the property on which estate duty is leviable.

Sub-clauses (*a*) to (*d*) describe the various types of properties over which a person is deemed to have power of disposition. These are—

(*a*) property over which a person has complete power of disposition,

(*b*) property over which title is acquired in one form and it is disposed of in another form,

(*c*) a disposition taking effect out of the person's own interest,

(*d*) money which a person is competent to charge on the property of another person.

Sub-clause (2) is inserted to remove the possibility of doubt as to the scope of the provisions contained in Parts II and III of the Bill.

Clause 4.—This clause describes the various authorities for the purpose of administration of estate duty who will perform their function under the control of the Central Board of Revenue.

Clause 5.—From section 1, U.K. Finance Act, 1894.

See in this connection the definition of "property passing on the death" in clause 2 (16). The "passing" may be immediately on the death, as where A settles a fund upon himself for life, and then upon B absolutely; or it may be after an interval or at any period ascertainable only by reference to death, as where there is a trust for accumulation for a term after A's death. The passing may be certain, as in the first example above; or it may be contingent, as where A settles a fund upon himself for life, and then upon B, if and when B attains the age of 21 with accumulations. The passing may be original as in the first example above; or it may be by way of substitutive limitation, as where property is limited to A for life, remainder to B if living at A's death and in default (which happens) to C. In all these cases estate duty is chargeable on A's death.

Clause 6.—From section 2 (1) (a), U. K. Finance Act, 1894.

Property which the deceased was competent to dispose of or was deemed entitled to dispose of is deemed to pass on his death and estate duty is payable thereon.

Illustrations.—1. Property comprised in a revocable gift or settlement is clearly property of which the donor or settler is competent to dispose, irrespective of whether the gift or settlement was actually revoked or not.

2. A devises a house to his son, subject to a power for A's wife by deed or will to charge on it a sum of Rs. 1 lakh. On the wife's death, estate duty is leviable in respect of this sum as property of which she was competent to dispose and this is so whether she exercised the power or not. [*See* clause 3 (d).]

3. Under section 109 of the Indian Succession Act, 1925, a gift by will to the testator's child is preserved from lapsing where the beneficiary predeceases the testator provided that the beneficiary leaves issue living at the testator's death. The gift takes effect as if the beneficiary had died immediately after the testator and the property devolves under the beneficiary's will or intestacy. It is therefore property of which the beneficiary was competent to dispose and is chargeable with estate duty in connection with his death as well as in connection with the death of the testator, subject to any allowance for quick succession.

Clause 7.—From section 2 (1) (b), U. K. Finance Act, 1894.

Sub-clauses (2) and (3) were inserted by the Select Committee on the Estate Duty Bill, 1948, with other consequential modifications in sub-clause (1).

The cesser of interest on the deceased's death is property deemed to pass on his death and hence estate duty is payable thereon. In the case of a joint family property governed by the *Mitakshara*, no member has a distinct and specified interest in the coparcenary property of which he is competent to dispose but on the death of a member there is a cesser of interest in the joint family property. The clause provides that such cesser of interest is only liable to estate duty if the deceased was 18 years of age or if a minor no male ascendant of his was a coparcener in the same family. This provision is necessary as in *Mitakshara* family each child acquires interest in property and it would be administratively impossible to determine the quantum of interest on the death or birth of a child in the family.

Other examples of cesser of interest are—

(1) A by will gives an annuity of Rs. 500 to B charged on house property worth Rs. 1,200 per annum and the house property itself, subject to the aforesaid charge, to C. On B's death the annuity ceases and estases duty is therefore chargeable on the value of the benefit arising by the cesser. Thus if the house property is worth Rs. 24,000 at B's death the value of the benefit would be

$$\frac{500}{1,200} \times 24,000 = 10,000.$$

(2) A is entitled to an annuity of Rs. 800 charged on certain house property and on A's death an annuity of Rs. 200 per annum becomes charged on the property in favour of B. In this case, upon A's death the owner of the property is chargeable to estate duty in respect of the cesser of the whole of A's annuity of Rs. 800 and not merely the cesser of Rs. 600 per annum which is the difference between the two annuities.

Clause 8.—From section 2 (1) (c), U. K. Finance Act, 1894.

As stated in the *Explanation* (which was added by the Select Committee on the 1948 Bill) gifts made in contemplation of death are dealt with in section 191 of the Indian Succession Act, 1925.

Clause 9.—From section 2 (1) (c), U. K. Finance Act, 1894, and section 59, U. K. Finance Act, 1910.

This clause brings under charge gifts made *inter vivos* within a period of two years before death or in the case of gift so made for a public charitable purpose made within six months before death. The time limit of two years and six months for three years and twelve months respectively was substituted by the Select Committee which also substituted the expression "public charitable purpose" for "public or charitable purposes".

Clause 10.—From section 2 (1) (c), U. K. Finance Act, 1894, and section 59, U. K. Finance Act, 1910.

This clause brings under charge property given in gift, but in which the donor retains some interest by contract or otherwise. Where the donor retains such interest in a part of the property only, estate duty is payable on that part only. But if such interest is surrendered two years before death no estate duty would be payable.

The right to possess under the terms of a gift is not possession; and it is payment, and not the obligation to pay, which confers enjoyment.

Clause 11.—From section 43, U. K. Finance Act, 1940.

This clause brings within the charge interest limited to cease on death which has been disposed of within two years of the death and which but for the disposition would have been caught by clause 5 as property passing on death, or as interest ceasing on death. However, if the interest is disposed of or determined in good faith

two years before the death, no estate duty is payable. The provision is explained by the following illustration :—

A, a Hindu widow, having a Hindu woman's estate in house property surrenders her estate to the reversioners two years before her death. The property in such a case cannot be said to pass to the reversioners on her death, since it actually passes to them two years before. Therefore section 5 does not apply. Nor does section 7 apply, because the widow had, in the circumstances, no interest ceasing on her death: it had ceased two years previously. But, under sub-clause (1) the property is deemed to pass on her death and becomes chargeable to estate duty if the interest had not been surrendered 2 years before death. Under sub-clause (3), any artificial encumbrance created by the deceased is to be ignored.

Clause 12.—From section 2 (1) (c), U. K. Finance Act, 1894.

This clause brings under charge property under a revocable settlement or property in which the deceased retained some beneficial interest for his own benefit or for the benefit of his relatives.

Clause 13.—Determines the liability of property held jointly. The liability of the whole property to duty arises only in case where a person having been absolutely entitled to any property or to the funds with which any property was purchased has caused it to be transferred to or vested in himself and in any person jointly so that the beneficial interest in some part of the property passes or accrues by survivorship on his death to the other person. This clause does not apply to a case where the transferer was entitled only to a portion of the property or of the funds with which the property was purchased.

Clause 14.—From section 2 (1) (c), U.K. Finance Act, 1894 and section 76 of the U.K. Finance Act, 1948.

The clause brings under charge the money received under a life insurance policy kept up by a person for the benefit of a donee. The premium may be payable by the person out of any property settled by him or out of income arising under a settlement made by him. Where only a part of the premium is so paid the proportionate amount received under the policy will only be chargeable to duty.

Clause 15.—From section 2 (1) (d), U. K. Finance Act, 1894.

The general purpose of this provision is to prevent a man from escaping estate duty by reducing his estate, during life, by money or money's worth paid as premiums which, after his death, re-appear in the form of a beneficial interest accruing or arising on his death.

Clause 16.—From section 30, U.K. Finance Act, 1939, and section 26, U.K. Finance Act, 1943.

The purpose of this provision is to extend liability to duty to annuities and other interest which though not directly provided by the deceased are in substance attributable partly or wholly to property derived from him. The following illustration shows how this provision would operate :—

The deceased gave his children Rs. 20,000 with which they acquire shares in a private company. The company then lends the deceased Rs. 20,000 and uses the interest to pay the premiums on a policy effected on the deceased's life. The policy moneys would be considered under this provision to have been provided by the deceased.

Clause 17.—From section 42. U.K. Finance Act, 1940 and section 36, U.K. Finance Act, 1944.

Sub-clauses (1) (2) and (3).—The necessity for these provisions will be illustrated by the following example :—

A is the owner of an estate worth Rs. 12 lakhs including a residential house and of stocks and shares worth Rs. 8 lakhs. He forms a company with a nominal

capital of Rs. 20 lakhs divided into 50,000 five per cent preference shares and 150,000 ordinary shares, all of Rs. 10 each. He sells the estate and the securities to the company in consideration for the shares, of which 50,000 ordinary share are allotted to him and the rest to his wife and children. As part of the arrangement, he is appointed governing director for life at a salary of Rs. 50,000 per year and the residential house, whose annual value is Rs. 5,000 is let to him as governing director at a rent of Rs. 1,000 per year. On A's death more than two years later, estate duty would, *but for the provisions of this section*, be payable only in respect of the 50,000 shares which he retained. There was no gift to the company for the company gave full consideration. The only gift was a gift of the shares to his wife and childrn and that gift was not the subject to any reservation. But according to this provision the estate duty payable would be not on the market value of 50,000 ordinary shares but on such proportion of the assets of the company as the aggregate amount of benefits accruing to the deceased for the three years ending with his death bear to the income of the company for the same three years. Thus if the income of the company for the last three years were Rs. 3 lakhs, and the dividend declared on ordinary shares is Rs. 90,000, then the benefits enjoyed by the deceased are —

			Rs.
Salary as governing director	...	...	1,50,000
Residential house less rent paid	...	...	12,000
Dividend ...	...	...	30,000
			1,92,000

The assets which would be deemed to pass on his death would be of the value of—

$$\frac{1,92}{3,00} \text{ of 20 lakhs.}$$

or of Rs. 12,80,000 and not of Rs. 5 lakhs only.

Sub-clause (4).—There are numerous provisions on this subject in the U.K. Finance Act, 1940, which had better be relegated to rules so as to make them flexible to meet new methods of evasion. The constant changes made in the U.K. law in this behalf indicate that this course is preferable.

The proviso to sub-clause (4) was added by the Select Committee on the Estate Duty Bill, 1948.

Sub-clause (5).—From section 52, U.K. Finance Act, 1940.

The effect of this sub-clause is that the value of such property will be aggregated with other property of the deceased passing on his death.

Clause 18.—From section 53, U.K. Finance Act, 1940.

This clause lays the obligation on the company and its officers to inform the Controller of any transfer of property or benefits that accrued to the deceased from the controlled company.

Clause 19.—From section 54, U.K. Finance Act, 1940.

This clause determines the persons who shall be accountable for the payment of duty of a deceased on the death of the deceased on property transferred to a controlled company, and the powers conferred on the accountable parties for the purpose of raising and paying the duty.

Clause 20.—From section 2 (2), U.K. Finance Act, 1894 and section 24, U.K. Finance Act, 1936.

In the original Bills of 1946 and of 1948 the liability to estate duty on movable property depended on the 'domicile' of the deceased. The Select Committee however altered this and imposed the liability on all persons who are residents in

India, the definition of "resident" being more or less the same as in the Income-tax Act. The present clause reverts to the original provision that charge on foreign movable property would be on the basis of domicile. Sub-clause (2) provides that the rules regarding the nature and *situs* of the property will be framed by the Board and such rules will be framed with due regard to reasonable double estate duty relief arrangements which might be arrived at with the U.K. and U.S.A.

Clause 21.—From section 2 (3), U. K. Finance Act, 1894, and section 59, U. K. Finance Act, 1910.

Illustrations.—1. A dies leaving property of which he was a trustee for B under a will left by C. The property is not chargeable to estate duty upon A's death.

2. A dies leaving property of which he was a trustee for B under a deed of settlement made by A himself not more than two years before his death. The property is chargeable to duty, for otherwise any person could evade the duty by making such a trust shortly before his death and declaring thereby that he is a trustee for some named heir.

3. A dies leaving property of which he was a trustee for B under a deed of settlement made by A himself more than two years before his death, possession and enjoyment having been assumed by B immediately upon the creation of the trust and thenceforward retained to the entire exclusion of A. The property is not chargeable to duty upon A's death.

4. A dies leaving property of which he was a trustee for B under a deed of settlement made by A himself more than two years before his death, B having assumed possession immediately upon the creation of the trust, but being bound by an agreement to give A a share of the profits until A's death. The property is chargeable to duty upon A's death.

Clause 22.—From section 5 (3), U. K. Finance Act, 1894 and section 48, U. K. Finance Act, 1938.

Explanation (i) is derived from section 14, U. K. Finance Act, 1896.

Ex hypothesi in the case put in the *Explanation*, the interest of the deceased in the settled property fails before it becomes an interest in possession and in view of the decision in A.G. *v* Wood that an absolute reversion may be a limitation which continues to subsist, the *Explanation* is retained merely by way of abundant caution.

Explanation (ii) is derived from section 47 of the U. K. Finance Act, 1938, and was added by the Select Committee in order to make it clear that a residuary interest under reversion within an estate whose administration is not complete will not be regarded as a case of failure of interest before becoming interest in possession, but such interest would be deemed to have become interest in possession on the date as from which the income of the residue would have been attributable to that interest if the residue had been determined immediately after the death of the testator or intestate.

Clause 23.—From section 15, U. K. Finance Act, 1896.

Illustrations.—1. A settles property on trust for B (usually a poor relation or an old servant) for life and then for himself absolutely. No duty is payable on B's death, if he dies before A.

2. A settles property on trust to pay an annuity thereout to himself and, subject thereto, for B for life, with remainder to A. Duty is payable on B's death, because it cannot be said that only benefit retained by A is subject to the life interest.

3. A settles property on B for life with remainder to B's children absolutely and in default, for A absolutely. B dies without children. Duty is payable for the

contingent interests of B's possible children were "other interests" created by the disposition.

4. B gives property A, who then settles it on B for life with remainder to himself. Duty is payable on B's death, for B was competent to dispose of the property prior to the settlement.

5. As in *Illustration* 1, but B dies after A and the property reverts to A's heirs. Duty is payable on B's death, for the property does not revert to the disposer himself.

Clause 24.—From section 21(5), U. K. Finance Act, 1894.

Illustration.—A by deed dated 1951 settled property on his wife for life, and on her death on himself for life, with remainder to their children. The wife dies after the commencement of this Act, leaving A surviving. Estate duty is not payable on her death though it will be payable on the subsequent death of A. The exemption would not have applied if A had become entitled to the corpus on his wife's death.

Clause 25.—From section 3, U. K. Finance Act, 1894.

Property *bona fide* transferred by the deceased for money or money's worth is not chargeable to estate duty. Although such a transfer might be made in anticipation of death, the consideration received in respect of it becomes the property of the deceased and as such is liable to duty. To subject to taxation both the property whose sale produces that money or money's worth and that money or money's worth itself would be in substance to impose double taxation on the same property. Hence the exemption in this clause. The exemption is to apply not only when the property is acquired for full consideration in money or money's worth, but also to a proportionate extent, where part of the consideration is of that character.

Illustration.—On the marriage of A and B, A the husband, partly in consideration of the marriage and partly in consideration of the transfer to him of certain shares belonging to B, settled certain house property upon himself for life and then upon B absolutely. Here the consideration is only partly in money or money's worth, namely, so far as it consists of the shares. Hence under sub-clause (2), the value of the shares, as at the date of the settlement, is to be deducted from the value of the house property, as at A's death in ascertaining the sum in respect of which B is to pay an estate duty.

Clause 26.—From section 44, U. K. Finance Act, 1940.

Property transferred by the deceased in consideration of money or money's worth is not chargeable to estate duty (*vide* clause 25). This clause, however, provides that annuity or other interest limited to deceased on death, created in favour of the deceased cannot be treated as consideration or transfer when such transfers are made to a "relative" or to a "controlled company". The meaning of the expression "relative", "annuity" and "associated operations" as used in this clause has been defined. Nothing in this clause affects an annuity in favour of a person other than the deceased. The relaxations contemplated in section 40 of the U. K. Finance Act, 1944, will be considered by the Board when framing rules under clause 32. The deduction to be allowed will broadly be the net amount of benefit received by the deceased from the transactions.

Clause 27.—From section 17, U. K. Finance Act (No. 2), 1940.

In order to protect commercial transactions from higher duties imposed subsequent to the sale or mortgage of an interest in expectancy, this clause provides for relief to the purchasers and mortgagees and no other duty will be payable by them except the duty which would have been payable at the rates of estate duty, if any, in the case of a person dying at the time of the sale or mortgage.

Clause 28.—From section 5 (2), U.K. Finance Act, 1894 and section 13, U.K. Finance Act, 1898.

The exemption conferred by this clause is in respect of a settled property on which estate duty has been paid since the date of settlement on the death of one of the parties to a marriage. The exemption is, however, conditional and would not apply if the deceased was at any time during the continuance of settlement competent to dispose of the property.

Clause 29.—This clause empowers the Central Government to enter into an agreement for avoidance or relief of doubt taxation with the Government of any reciprocating country.

Clause 30.—From section 15, U.K. Finance Act, 1914.

It provides relief in respect of quick succession where property consists of land and business.

Clause 31.—This clause which was inserted by the Select Committee on the Estate Duty Bill, 1948, gives complete exemption of duty in respect of coparcenary interest devolving upon the members of the coparcenary or any of them upon the death of a Hindu widow if she dies within seven years of the death of her husband and if the estate duty has been levied in respect of the same on her husband's death.

Clause 32.—This clause is intended to cover, amongst others the deductions and relaxations provided for in section 51, Finance Act, 1940, and sections 38 and 40, U.K. Finance Act, 1944. The following are some of the exemptions which, if considered desirable, may be allowed under this clause :—

(*a*) Gifts not exceeding a certain limit.

(*b*) Gifts for national purposes.

(*c*) Property of a common seaman, marine, soldier or airman who is killed or dies in the service of the Union.

Clause 33.—From section 4, U.K. Finance Act, 1894, and section 12, U.K. Finance Act, 1900 and section 45 (3), U.K. Finance Act, 1940.

This clause lays down that for purposes of determining the rate of duty payable, all property will be aggregated except property in which the deceased *never* had an interest. The latter property is to be treated as an estate by itself. For instance, A dies leaving (i) Rs. 1 lakh in cash and (ii) a policy on his own life for Rs. 1 lakh absolutely and irrevocably nominated *from its commencement* in favour of B. Estate duty is chargeable on (i) under section 4 and on (ii) under section 13, but the two cannot be aggregated because A had never an interest in (ii), the interest arising only upon his death.

Clause 34.—This clause leaves the rate of duty to be fixed by a separate enactment.

Clause 35.—From section 7 (5), U.K. Finance Act, 1894 and section 60 (2), U.K. Finance Act, 1910.

This clause lays down the principle on which the principal value of any property is to be estimated for the purposes of estate duty.

Clause 36.—The clause lays down the manner in which the shares in a private limited company are to be valued when alienation of such shares is restricted. It embodies the principle enunciated in paragraph 275, Halsbury's Laws of England, Vol. XIII, Second Edition.

Clause 37.—From section 7(6), U.K. Finance Act, 1894.

It provides for the payment of estate duty on interest in expectancy either with the duty in respect of the rest of the estate or when the interest in expectancy falls in possession. In either case, the value of the other estate is to be aggregated.

Clause 38.—From section 7 (7), U.K. Finance Act, 1894.

This clause provides a formula for calculating the amount upon which duty is leviable on account of cesser of an interest. The effect of this clause is to charge

duty on a slice of the capital concerned, the income of which is equivalent to the income enjoyed by the deceased immediately before his death.

Clause 39.—From section 7 (8), U.K. Finance Act, 1894.

Under this clause the value of any property for the purpose of estate duty is to be determined by the Controller.

Clause 40.—From section 7 (9), U.K. Finance Act, 1894.

This is self-explanatory.

Clause 41.—From section 8 (8), U.K. Finance Act, 1894.

The object of this clause is to enable the persons primarily accountable for the payment of the estate duty to apportion the duty where necessary in administering the estate and to provide a method of ascertaining the proportion of duty which may be charged on a particular property and may be recoverable against a person having a charge on the property.

Clause 42.—From section 7 (1), U.K. Finance Act, 1894 and section 44 (1), U.K. Finance Act, 1940.

This clause specifies the deductions to be made (subject to restrictions) for determining the value of an estate. Allowance is to be made for reasonable funeral expenses and for debts and encumbrances but not for such debts which were not *bona fide.*

Clause 43.—From section 57, U.K. Finance Act, 1910.

Illustration.—Property is settled on A for life with remainder to his only son B. A, when in failing health, purchases B's remainder at a fair price, which in the circumstances is nearly the full value of the property, giving a promissory note or mortgage for the amount. Upon A's death, the property goes to B as his only heir. But for the present section, the amount of the debt would fall to be deducted under section 43, although the property would have devolved upon B even without the purchase. By virtue of the present section however no such deduction is permissible.

Clause 44.—From section 31, U.K. Finance Act, 1939.

Broadly the effect of this clause is to reduce the amount allowable as a deduction for a debt in proportion to the value of the consideration given for it which was derived directly or indirectly from the deceased or which was given by a creditor who acquired property from the deceased for the purpose of facilitating the loan.

Clause 45.—From section 7 (2), U.K. Finance Act, 1894.

This is in accordance with the established rule of law that debts claimable in the country where the assets are situate should be paid out of the assets in that country before any surplus is available for transmission to the country of the domicile.

Clause 46.—From section 7 (3), U.K. Finance Act, 1894.

This clause authorises the Controller to allow as a deduction from the value of the estate any additional expense in administering or realising the property situated out of India subject to a limitation of five per cent of the value of the property.

Clause 47.—From section 7 (4), U.K. Finance Act, 1894.

This clause provides for the deduction from the value of the property of the whole or any part of the duty of the nature of death duty paid in a non-reciprocating country.

Clause 48.—Enables the Board to prescribe the manner in which estate duty may be collected.

Clause 49.—Adapted from section 34, U.K. Finance Act, 1917 and section 42, U.K. Finance Act, 1918.

The term "Government securities" is defined in the General Clauses Act, 1897.

Clause 50.—Adapted from section 8 (3) and 8 (4), U.K. Finance Act, 1894, section 16, U.K. Law of Property Act, 1925 and section 64 (8), U.K. Finance Act, 1940.

Sub-clause (2) [*see* section 8 (18), U.K. Finance Act, 1894].

Sub-clause (4) [*see* section 6 (3), U.K. Finance Act, 1894].

Sub-clause (5) [Halsbury's Laws of England, Vol. XIII, para, 298].

This clause defines liabilities of the different categories of persons who are accountable for the payment of estate duty, and the extent thereof.

Clause 51.—From section 8 (5), U.K. Finance Act, 1894, and section 57, U.K. Finance Act, 1940.

This clause provides the machinery for the collection of information and data for the purposes of administration of estate duty.

Clause 52.—From section 8 (6), U.K. Finance Act, 1894.

This is a penal clause for non-compliance with the requirements of sections 50 and 51, *i.e.*, failure to furnish the statement of accounts.

Clause 53.—Adapted from section 8 (3), U.K. Finance Act, 1894 and section 19-I, Court-fees Act, 1870.

Non-issue of grant of representations by the Court in the absence of a certificate from the Controller to the effect that the estate duty has been or will be paid, will act as deterrent to evasion of estate duty.

Clause 54.—From sections 6 (4), 6 (6), 6 (7) and 6 (8), U.K. Finance Act, 1894.

This clause fixes the time when the estate duty is due and details the procedure for collection when the amount due is determined.

Clause 55.—Adapted from section 11 (1), U.K. Finance Act, 1894.

The provision for grant of a certificate by the Controller either on payment of the duty or on furnishing adequate security for the duty is necessary as evidence of discharge of duty.

Clause 56.—Sub-clause (1) is adapted from section 19H (3), Indian Court-fees Act, 1870.

The necessity of providing for estimate to the best of the judgment of the Controller where no account has been delivered is evident. Provision exists for appeal against the valuation made and the estate duty determined by the Controller (*vide* clause 57).

Clause 57.—The right of appeal to the Board against valuation made or determination of the estate duty by the Controller is provided for in this clause. In case of a dispute relating to valuation of any property the appellant may require the Board to refer the question to the arbitration of the Valuers.

Clause 58.—Provision has been made in this clause for a reference to the High Court against the orders of the Board of any question of law arising out of such order.

Sub-clause (4) authorises the Board to refer a case direct to the Supreme Court on an application under sub-clause (1) if the question is of sufficient importance or if there is conflicting decision of different High Courts on the question involved.

Clause 59.—Details the manner of the formation of the High Court Bench and how the cases are to be decided upon. An appeal shall lie to the Supreme Court also from the judgment of any High Court in any case which the High Court certifies to be a fit one for appeal to the Supreme Court.

Clause 60.—Adapted from section 19-I (2), Court-fees Act, 1870.

Clause 61.—Adapted from sections 19E and 19G, Court-fees Act, 1870, section 11 (2), U.K. Finance Act, 1894 and section 14, U.K. Finance Act, 1907.

In the majority of cases, the procedure will be that the person accountable will first deliver an account under clause 50 (3) and pay duty on the property included therein under clause 55. Usually, the account may not be a complete one for it has to be filled within six months of the death and full details may not be available [*see* clause 50 (4)]. This preliminary account will serve as a notice of the death to the Controller, so that he may, if necessary, start making inquiries under clause 56. At a later stage, the persons accountable should be in a position to deliver a full statement, to pay the entire duty due, and to obtain a certificate of payment under sub-clause (1) or (5) of clause 61. In complicated cases, they can apply and obtain a certificate of payment under clause 63. It is only a certificate under clause 61 or clause 63 that discharges the property (*see* clause 69). A certificate under clause 55 suffices for a grant of representation so as to enable the grantee as early as possible to get in all the property vesting in him and to submit a full inventory as required by section 317, Indian Succession Act, 1925, but such a certificate does not operate as a discharge for the purposes of clause 69.

Clause 62.—Adapted from section 12, U.K. Finance Act, 1894.

This clause authorises the commutation of an estate duty that would be payable on an interest in expectancy when it falls, for a certain sum to be presently paid.

Clause 63.—Adapted from section 13, U.K. Finance Act, 1894.

This clause empowers the Board on the application of any person accountable for estate duty to accept composition for estate duty in certain complicated cases.

Clause 64.—Adapted from section 8 (9), U.K. Finance Act, 1894.

Where estate duty cannot be raised at once except by sale of property at excessive sacrifice due to adverse market conditions, the Controller is authorised to allow postponement of the recovery of the estate duty on payment of prescribed interest and on such other terms as the Controller may think fit. Power to extend time of payment or to allow payment of the demand in instalments is also exercised by Income-tax authorities as an administrative measure.

Clause 65.—Adapted from section 8 (14), U.K. Finance Act, 1894.

This clause vests the Board with power to remit the payment of estate duty or any part thereof or any interest thereon in fit cases if the duty remains unpaid after the expiration of 20 years from the date of death. The purpose of this provision is not to burden the administration with a heavy carry forward of uncollectable demands after all steps for realisation have been exhausted. Similar power to write off irrecoverable demands of income-tax are exercised by the Income-tax authorities under executive instructions.

Clause 66.—Adapted from section 8 (14), U.K. Finance Act, 1894.

Under this clause the forms, affidavits, accounts and certificates, etc., in connection with the administration of estate duty are to be in such forms containing such particulars, to be delivered and verified in such manner and by such documents as may be prescribed by the Board. This is analogous to the rule-making power of the Board in the administration of the Income-tax Act (section 59 of the Income-tax Act, 1922).

Clause 67.—Adapted from section 19 J (1), Court-fees Act, 1870.

This clause authorises the Controller to recover the estate duty, interest or penalty through certificate proceedings by the Collector and corresponds to section 46 (2), Indian Income-tax Act, 1922.

Clause 68.—This clause was inserted by the Select Committee on the Estate Duty Bill, 1948. The estate duty is made the first charge on movable and immovable property.

Clause 69.—Adapted from section 11 (2), (3) and (4), U.K. Finance Act, 1894.

Wide terms of this clause clearly indicate that fraud or failure to disclose material facts on the part of any person will render the certificate of discharge useless to any other person except to a *bona fide* purchaser for valuable consideration without notice.

Clause 70.—Adapted from section 9 (4), U.K. Finance Act, 1894.

Under this clause if any person accountable for estate duty pays any part of it in respect of any property not passing to him, he shall have the right to be repaid by the trustees or owner of such property.

Clause 71.—Adapted from section 9 (5), (6) and (7), U.K. Finance Act, 1894.

Any person who is authorised or is required to pay estate duty in respect of any property is empowered under this clause to raise the amount of such duty by the sale or mortgage or a terminable charge on that property for the purpose of paying duty or recouping the amount of duty if already paid.

Clause 72.—Adapted from section 67, Indian Income-tax Act, 1922.

This is a common feature to all revenue enactments.

Clause 73.—This provision is necessary because of the confidential nature of information, etc., obtained in connection with the execution of the enactment.

Clause 74.—This clause authorises the Board to make rules prescribing all matters for carrying out the purposes of or giving effect to the clauses of the Bill.

M. N. KAUL,
Secretary,

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 984—Legis. 4-52-36, dated Bangalore, 30th August 1952.

Ordered that the Preventive Detention (Second Amendment) Act, 1952 (Central Act No. LXI of 1952), published in the Gazette of India, Part II, Section 1, dated the 22nd August 1952, be republished in the *Mysore Gazette*, for general Information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 22nd August 1952.

THE PREVENTIVE DETENTION (SECOND AMENDMENT) ACT, 1952

(LXI OF 1952)

AN

ACT

further to amend the Preventive Detention Act, 1950.

BE it enacted by Parliament as follows :—

1. Short title and commencement.—(*1*) This Act may be called the Preventive Detention (Second Amendment) Act, 1952.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 1, Act IV of 1950.—In sub-section (*3*) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as the principal Act), for the words and figures "1st day of October, 1952" the words and figures "31st day of December, 1954" shall be substituted.

3. Amendment of section 2, Act IV of 1950.—In section 2 of the principal Act, in clause (*a*), for the words " Chief Commissioner " the words " Lieutenant-Governor or, as the case may be, the Chief Commissioner " shall be substituted.

4. Amendment of section 3, Act IV of 1950.—In section 3 of the principal Act,—

(*i*) in sub-section (*3*), for the words " have a bearing on the necessity for the order ", the following words shall be substituted, namely :—

" have a bearing on the matter, and no such order made after the commencement of the Preventive Detension (Second Amendment) Act, 1952, shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the State Government.";

(*ii*) after sub-section (*3*), the following sub-section shall be inserted, namely :—

" (*4*) When any order is made or approved by the State Government under this section, the State Government shall, as soon as may be, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in the opinion of the State Government have a bearing on the necessity for the order."

5. Amendment of section 6, Act IV of 1950.—Section 6 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and after that sub-section as so renumbered, the following sub-section shall be inserted namely :—

" (*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), every offence under clause (*b*) of sub-section (*1*) shall be cognizable."

6. Amendment of section 7, Act IV of 1950.—In sub-section (*1*) of section 7 of the principal Act, for the words " as soon as may be ", the words " as soon as may be, but not later than five days from the date of detention " shall be substituted.

7. Amendment of section 8, Act IV of 1950.—In section 8 of the principal Act,—

(*a*) in sub-section (*2*) the proviso shall be omitted;

(*b*) after sub-section (*2*), the following sub-section shall be inserted, namely :—

" (*3*) The appropriate Government shall appoint one of the members of the Advisory Board who is or has been a Judge of a High Court to be its Chairman, and in the case of Part C State the appointment to the Advisory Board, of any person who is a Judge of the High Court of a Part A State or a Part B State shall be with the previous approval of the State Government concerned :

Provided that nothing in the sub-section shall affect the power of any Advisory Board constituted before the commencement of the Preventive Detention (Second Amendment) Act, 1952, to dispose of any reference under section 9 pending before it at such commencement."

8. Substitution of new section for section 9, Act IV of 1950.—For section 9 of the principal Act, the following section shall be substituted, namely :—

" 9. *Reference to Advisory Boards.*—In every case where a detention order has been made under this Act, the appropriate Government shall, within

thirty days from the date of detention under the order, place before the Advisory Board constituted by it under section 8 the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer, also the report by such officer under sub-section (3) of section 3."

9. Amendment of section 10, Act IV of 1950.—In section 10 of the principal Act,—

(a) for sub-section (1), the following shall be substituted, namely :—

"(1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from the appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned, and if in any particular case it considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the appropriate Government within ten weeks from the date of detention.";

(b) in sub-section (3), the words "to attend in person or" shall be omitted, and for the words "legal representative" the words "legal practitioner" shall be substituted.

10. Insertion of new section 11A in Act IV of 1950.—After section 11 of the principal Act, the following section shall be inserted, namely :—

"11A. *Maximum period of detention.*—(1) The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 11 shall be twelve months from the date of detention.

(2) Notwithstanding anything contained in sub-section (1) every detention order which has been confirmed under section 11 before the commencement of the Preventive Detention (Second Amendment) Act, 1952, shall, unless a shorter period is specified in the order, continue to remain in force until the 1st day of April, 1953, or until the expiration of twelve months from the date of detention, whichever period of detention expires later.

(3) The provisions of sub-section (2) shall have effect notwithstanding anything to the contrary contained in section 3 of the Preventive Detention (Amendment) Act, 1952 (XXXIV) of 1952, but nothing contained in this section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time."

11. Amendment of section 13, Act IV of 1952.—For sub-section (2) of section 13 of the principal Act, the following sub-section shall be substituted, namely :—

"(2) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation or expiry on which the Central Government or a State Government or an officer, as the case may be, is satisfied that such an order should be made."

K. Y. BHANDARKAR,
Secretary to the Government of India.

NOTIFICATION.

No. L.D. 986—Legis. 4-52-38, dated Bangalore, 30th August 1952.

Ordered that the State Armed Police Forces (Extension of Laws) Act, 1952 (Central Act No. LXIII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 22nd August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 22nd August 1952.

THE STATE ARMED POLICE FORCES (EXTENSION OF LAWS ACT, 1952 (LXIII of 1952).

AN

ACT

to provide for the extension of disciplinary laws in force in any State relating to the armed police force of that State to members of the said force when serving outside that State.

BE it enacted by Parliament as follows:—

1. **Short title and extent.**—(*1*) This Act may be called the State Armed Police Forces (Extension of Laws) Act, 1952.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

2. **Definition.**—In this Act, "armed police force" means any police force constituted by any of the enactments specified in the Schedule for the time being in force.

3. **Extension of disciplinary laws of any State to members of the armed police force of that State when serving outside that State.**—Where any detachment of an armed police force of a State is serving in any part of any other State, whether independently or by being attached to the police force of that other State, then, notwithstanding anything contained in section 3 of the Police Act, 1888 (III of 1888), every member of the said detachment, while discharging the functions of a police officer in that other State, shall continue to be subject to the same laws in respect of discipline and liabilities as would have been applicable to him, if he had been discharging those functions within the State to which the said force belongs.

4. Power to add to, or omit from, the Schedule.—The Central Government may, by notification in the Official Gazette, add to, or omit from, the Schedule any enactment and on the publication of such a notification the Schedule shall be deemed to be amended accordingly.

5. Repeal.—The United Provinces Provincial Armed Constabulary (Extension of Laws) Act, 1949 (IV of 1949), is hereby repealed.

SCHEDULE.

(*See* sections 2 and 4.)

1. The Bengal Military Police Act, 1892 (V of 1892).

2. The Eastern Frontier Rifles (Bengal Battalion) Act, 1920 (Bengal Act No. II of 1920).

3. The Bombay State Reserve Police Force Act, 1951 (Bombay Act No. XXXVIII of 1951).

4. The Central Provinces and Berar Special Armed Constabulary Act, 1942 (C. P. and Berar Act No. VII of 1942).

5. The Madhya Bharat Special Armed Force Act, Samvat 2007 (Madhya Bharat Act No. 75 of 1950).

6. The Orissa Military Police Act, 1946 (Orissa Act No. VII of 1946).

7. The Rajasthan Armed Constabulary Act, 1950 (Rajasthan Act No. XII of 1950).

8. The United Provinces Provincial Armed Constabulary Act, 1948 (U.P. Act No. XL of 1948).

K. Y. BHANDARKAR,
Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. L.D. 916—Legis. 5-52-58, Bangalore, dated 19th August 1952.

Ordered that Notification No. S.R.O. 1271, dated the 17th July 1952 of the Ministry of Home Affairs, amending the Indian Arms Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 26th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 17th July 1952.

S.R.O. 1271.—In exercise of the powers conferred by sections 4, 10, 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby directs that the following further amendments shall be made in the Indian Arms Rules, 1951, namely :—

1. In rule 1, sub-rule (2), for the words " Part B States " the words " the State of Jammu and Kashmir ", shall be substituted.

2. In rule 2, sub-rule (1), after the words " Additional District Magistrate ;", the words " and in respect of a Part B State, an officer specially designated in this behalf by the Government of the State concerned "; shall be inserted.

3. In rule 3—

(*a*) in sub-rule (1), the words " in Part A States and Part C States ", shall be deleted.

(*b*) in Schedule 1, in " THE TABLE ", against entry 1(*e*), the following shall be substituted for the existing words in column 1, namely :—

" Lieutenant Governor or Chief Commissioner of a Part C State ".

(*c*) in Schedule II, in " THE TABLE ", the following words shall be substituted for the existing words in column 1 against entry 1 :—

" The whole of India except the States of Jammu and Kashmir, Patiala and East Punjab States Union, Punjab and Delhi ".

(*d*) in Schedule II, in "THE TABLE", the following words shall be substituted for the existing words in column 1 against entry 2 :—

"The whole of India except the State of Jammu and Kashmir."

(*e*) in Schedule II, in "THE TABLE", the following words shall be substituted for the existing words in column 1 against entry 3 :—

"The States of Punjab, Patiala and East Punjab States Union and Delhi.

(*f*) in Schedule II, in "THE TABLE", the following words shall be substituted for the existing words in column 1 against entry 4 :—

"The States of Punjab, Patiala and East Punjab States Union, Himachal Pradesh and Bilaspur (Simla Hills)."

(*g*) in Schedule II, in "THE TABLE", the following words shall be substituted for the existing words in column 1 against entry 5 :—

"The whole of India except the State of Jammu and Kashmir, and all districts on the external land frontier of India."

(*h*) in Schedule II, in "THE TABLE", the existing words in columns 1, 2 and 3 against entry 7 shall be deleted.

(*i*) in Schedule II, in "THE TABLE", the following entry shall be added after entry 7 :—

"8. The State of Madhya Bharat.	Bows, arrows and swords commonly used by Bhils and such other members of the backward classes as the State Government may notify from time to time.	All."

(*j*) In Schedule III, in column I of THE TABLE, the words "the whole of India except the State of Jammu and Kashmir" shall be substituted for the words "a Part A State or Part C State".

(*k*) in Schedule IV, in the heading, the words "in Part A States and Part C States" shall be deleted.

4. In rule 4, the words "the whole of India" shall be substituted for the words "all Part A States and Part C States".

5. In rule 5, sub-rule (2), the following clause shall be inserted after the existing clause (*a*) :—

"(*aa*) where the articles are consigned to a place in a Part B State—to the Chief Secretary to the Government of the State concerned or any officer authorised by him, or"

6. (*a*) In rule 8, the following clause shall be added after the existing clause (*c*) :—

"(*d*) of arms, ammunition or military stores, at the ports in the States of Travancore-Cochin and Saurashtra—by the Chief Secretary to the Government of the State concerned".

(*b*) In Form II in Schedule VIII, the words "——————————————— Chief Secretary to the Government ——————————" shall be added below the words "Board of Revenue in Madras."

7. In rule 9—

(a) in clause (a), the following words shall be added at the end :—

"the ports in the States of Travancore-Cochin, Saurashtra and Kutch or"

(b) in clause (b), the following words shall be added after the word "Tuticorin" :—

"and the ports in the States of Travancore-Cochin, Saurashtra and Kutch."

(c) after the words—

"District Magistrate of the district", the following words shall be added :—

"Chief Secretary to the Government of the Part B State".

8. (a) In rule 10, sub-rule (1), the following clause shall be inserted after the existing clause (a) :—

"(aa) where they are consigned to a place in a Part B State—by the Chief Secretary to the Government of the State concerned, or"

(b) In sub-rule (4)—

(i) before the words "District Magistrate of the district", the words "Chief Secretary to the Government of the Part B State or any officer authorised by him/" shall be inserted,

(ii) for the words "such Magistrate", the words "such Chief Secretary or officer/Magistrate" shall be substituted.

(c) In Schedule VIII, Form III, the following words shall be added above the words "District Magistrate of.....district [rule 10(4)]" :—

"Chief Secretary to the Government of the State of..... [rule 10(4)]".

(d) In Schedule VIII, Form III, entry (b) under the heading "FEE" shall be deleted.

9. In rule 11, sub-rule (2), the following words shall be added at the end :—

"or in the case of a Part B State the Chief Secretary, or any officer authorised by him",

10. In rule 12,

(a) in sub-rule (1), clause (a), before the words "District Magistrate of the District" the following words shall be inserted :—

"the Chief Secretary to the Government of the Part B State or"

(b) in sub-rule (1), clause (a) for the words "as the District Magistrate" the following words shall be substituted :—

"as the Chief Secretary/the District Magistrate"

(c) in clause (b) of sub-rule (1), the following sub-clause shall be inserted after the existing sub-clause (1) :—

"(ia) in any place in a Part B State—to the Chief Secretary the Government of the State concerned or any officer authorised by him, or"

11. In rule 14—

(a) in sub-rule (1), the following clause and word shall be inserted after the existing clause (b) :—

"(bb) at the ports in the States of Travancore-Cochin and Saurashtra—by the Chief Secretary to the Government of the State concerned or"

(*b*) in sub-rule (2), for clause (*a*), the following clause shall be substituted, namely :—

"(*a*) to such one of the ports specified in clauses (*a*), (*b*) and (*bb*) of sub-rule (1), or"

(*c*) in sub-rule (3), the following clause and word shall be inserted after the existing clause (*a*) :—

"(*aa*) where they are consigned to a port in Travancore-Cochin or Saurashtra,—to the Chief Secretary to the Government of the State concerned or any officer authorised by him, or"

(*d*) in Schedule VIII, Form IV, the following words shall be inserted above the words "District Magistrate of the.....district" wherever they occur :—

"Chief Secretary to the Government of the State of....."

12. In rule 15—

(*a*) in sub-rule (1), clause (*a*), after the words "or Cochin", the following words shall be inserted :—

"or any ports in Travancore-Cochin or Saurashtra"

(*b*) in Schedule V, the following words shall be substituted for the existing words in column 2 against entries (1) and (2) :—

"Any port in India"

(*c*) in sub-rule (4), clause (*c*), the following words shall be inserted at the end :—

"or if the port of export is in a Part B State, the Chief Secretary to the Government of the Part B State, or any officer authorised by him"

13. In rule 16—

(*a*) in sub-rule (4), before the words "District Magistrate of the District", the following words shall be inserted :—

"the Chief Secretary to the Government of the Part B State or any officer authorised by him/"

(*b*) in sub-rule (4), for the words "such Magistrate", the following words shall be substituted :—

"such Chief Secretary or officer/Magistrate"

(*c*) in sub-rule (5), clause (*a*), the following sub-clause shall be inserted after the existing sub-clause (*i*) :—

"(*ia*) in the case of Part B States,—to the Chief Secretary to the Government of the State concerned or any officer authorised by him"

(*d*) in sub-rule (5), clause (*b*), the words "the Chief Secretary or the officer authorised by him", shall be inserted after the words "Commissioner of Police".

(*e*) in sub-rule (5), at the end of clause (*c*), the following words shall be inserted :—

"or if the place of export is in a Part B State, the Chief Secretary to the Government of the Part B State or any officer authorised by him".

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14. In rule 17—

in sub-rule (1), the following words shall be inserted at the end :—

"or if the district is in a Part B State, to the Chief Secretary to the Government of the Part B State or any officer authorised by him".

15. In rule 18, the word 'India' shall be substituted for the words "a Part A State or a Part C State", wherever they occur.

16. In rule 19, sub-rule (2), clause (*b*), sub-clause (*i*), the words "in a Part A State or a Part C State." shall be deleted.

17. (*a*) In rule 20, sub-rule (2), the following clause and word shall be inserted after the existing item (*a*) :—

"(*aa*) where the articles are consigned to a place in a Part B State—to the Chief Secretary to the Government of the State concerned or any officer authorised by him".

(*b*) In Schedule VIII, in Form I, the following words shall be inserted below the words "District Magistrate of the.....district" :—

"Chief Secretary to the Government of the... .....State".

18. In rule 21, sub-rule (2), clause (*aa*), the following words shall be added at the end :—

"or any officer authorised by him".

19. In rule 22, sub-rule (1), clause (*aa*), at the end, the following words shall be added :—

"or any officer authorised by him".

20. In rule 24—

(*a*) for sub-rule (1), the following sub-rule shall be substituted :—

"(1) Save as otherwise provided by rules 5, 7 and 20, a comprehensive licence in Form VIII for the import of arms, ammunition or military stores and for their re-export may be granted, where they are consigned from any place in Nepal to any place in India except the State of Jammu and Kashmir, by the Ambassador of India in Nepal".

(*b*) in sub-rule (2), clause (*a*), for the existing words, "or the Chief Secretary to the Government of the State concerned", the following words shall be substituted :—

"or in the case of a Part B State, the Chief Secretary to the Government of the State or any officer authorised by him".

(*c*) in Schedule VIII, in Form VIII, for the words "Licensing authority concerned", the following words shall be substituted :—

"Chief Secretary to the Government of the ..... State".

21. In rule 26, sub-rule (3), clause (*b*) of the proviso shall be deleted.

22. In rule 28, sub-rule (2), the following clause shall be inserted after clause (*a*):—

"(*aa*) where they are to be kept in a place in a Part B State—to the Chief Secretary to the Government of the State concerned or any officer authorised by him."

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23. In rule 31—

(*a*) in sub-rule (1), the following clause shall be inserted after the existing clause (*a*) :—

"(*aa*) in any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin—by the District Magistrate for D.B.B.L. guns, S.B.B.L. guns and other similar smaller arms excluding revolvers and pistols; by the Chief Secretary to the Government of the State concerned, for revolvers, pistols and all other weapons;"

(*b*) in sub-rule (1), clause (*c*) shall be deleted.

(*c*) in clauses (*i*) and (*ii*) of the proviso to sub-rule (1), the word "India" shall be substituted for the words, "any Part A State or Part C State", wherever they occur.

(*d*) for sub-rule (2), the following sub-rule shall be substituted :—

"(2) Any licence granted under sub-rule (1) may be made valid by the licensing authority as follows :—

(*a*) when granted by the authorities mentioned in clauses (*a*) and (*b*) of that sub-rule, throughout the State in which it is granted or any specified part thereof or throughout the whole or any specified part of India,

(*b*) when granted by a District Magistrate under clause (*aa*) of that sub-rule, throughout the district concerned,

(*c*) when granted by the Chief Secretary to the Government of a Part B State under clause (*aa*) of that sub-rule, throughout the State in which it is granted or any specified part thereof or throughout the whole or any specified part of India, and

(*d*) when granted by the Ambassadors of India in Nepal under clause (*d*) of that sub-rule, throughout the whole or any specified part of India."

(*e*) in sub-rule (3), the words "the State" shall be substituted for the words "the Part A State or Part C State".

(*f*) in sub-rule (4), the word 'India' shall be substituted for the words "Part A States and Part C States."

24. In rule 32—

(*a*) in sub-rule (1), the word 'India' shall be substituted for the words "a Part A State or Part C State".

(*b*) in clauses (*a*) and (*b*) of the proviso to sub-rule (1), the word 'India' shall be substituted for the words "any Part A State or Part C State" wherever they occur.

(*c*) in sub-rule (1), the following clause shall be inserted after the existing clause (*a*) :—

"(*aa*) if the port of arrival is in a Part B State—by the appropriate licensing authority mentioned in rule 31, sub-rule (1), clause (*aa*), and".

(*d*) in sub-rule (2), the words "or any officer authorised by him" shall be inserted at the end of clause (*c*).

(e) in Schedule VIII, in Form XVII, the following words shall be added below the words "District Magistrate, ...District." occurring at the end :—

"Chief Secretary to the Government of the..... State".

(f) in Schedule VIII, in Form XVII, in the heading, the words "in a Part A State or a Part C State" shall be deleted.

25. In rule 35—

(a) in sub-rule (1), the word 'State' shall be substituted for the words "Part A State or Part C State".

(b) in Schedule VIII, in Form XX, under '*Exception*', the words 'in all Part A States and Part C States' shall be deleted.

(c) in Schedule VIII, in Form XX, in the heading, the words "any State" shall be substituted for the words "any Part A State or Part C State".

26. In rule 40—

(a) in sub-rule (3), the following words shall be inserted after the words "in question" :—

"or in the case of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin, by an authority specially empowered by the Chief Secretary to the Government of the State concerned".

(b) in clause (a) (ii) of the proviso to sub-rule (3), the words "in a Part A State or Part C State" shall be deleted.

(c) in clause (b) of the proviso to sub-rule (3), the words "in a Part A State or Part C State" shall be inserted before the words "any Sub-divisional Magistrate".

27. In rule 41, sub-rule (1), in clause (b), the words "a State" shall be substituted for the words "a Part A State or Part C State".

28. In rule 44—

(a) in sub-rule (2), the word "India" shall be substituted for the words "a Part A State or Part C State".

(b) in sub-rule (4), the words "or Chief Secretary of a Part B State" and "or of any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin" shall be deleted.

(c) in sub-rule (5), the words "or Bombay, the Deputy Commissioner of Police in Calcutta, or by the District Magistrate of Delhi or Meerut" shall be deleted.

(d) in Schedule VII, against entry (1) (c) in column 1, the words "Indian States Forces maintained by the former Indian States" shall be substituted for the words "late Armed Forces maintained by Part B States".

[No. 9/105/49-Police (I)].

U. K. GHOSHAL, Dy. Secy.

NOTIFICATION.

No. L.D. 917—Legis 5-52 59, Bangalore, dated 19th August 1952.

Ordered that Notification No. S.R.O. 1290, dated the 22nd July 1952 of the Ministry of Rehabilitation further amending the Evacuee Property (Central) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 26th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 22nd July 1952.

S.R.O. 1290.—In exercise of the powers conferred by Section 56 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby directs that the following further amendments shall be made in the Evacuee Property (Central) Rules, 1950, namely :—

In the said Rules,—

(*a*) for sub-rule (6) of rule 14, the following sub-rule shall be substituted, namely :—

"(6) Notwithstanding anything contained in this rule, the Custodian of Evacuee Property in each of the States of Punjab and Patiala and East Punjab States Union shall not exercise the power of cancelling any allotment of rural evacuee property on a quasi-permanent basis, or varying the terms of any such allotment, except in the following circumstances :—

(i) where the allotment was made although the allottee owned no agricultural land in Pakistan ;

(ii) where the allottee has obtained land in excess of the area to which he was entitled under the scheme of allotment of land prevailing at the time of the allotment ;

(iii) where the allotment is to be cancelled or varied in accordance with general or special directions issued by the Central Government :

Provided that where an allotment is cancelled or varied under clause (ii) the allottee shall be entitled to retain such portion of the land as is not in excess of the land to which he would have been entitled under the scheme of quasi-permanent allotment of land."

(b) after rule 48, the following rule shall be inserted, namely :—

49. "*Repeal.*—The Rules contained in the following notifications, namely :—

(i) the Notification of the Government of Punjab in the Relief and Rehabilitation Department No. 8689-S (Reh), dated the 29th August 1951 ; and

(ii) the Notification of the Government of Patiala and East Punjab States Union in the Rehabilitation Department No. 2, dated the 19th February 1952

are hereby repealed :

Provided that subject to the next succeeding proviso anything done or any action taken in exercise of any power conferred by any of the said rules shall be deemed to have been done or taken under the corresponding provision of the rules :

Provided that no order other than an order in an appeal, made in exercise of any power conferred by any of the said rules shall have effect—

(a) if it was made after the 25th May 1952, or

(b) if it was made on or before the 25th May 1952, was not implemented or enforced on or before the 15th June 1952.

[No. 14 (105)Cus/49.]

V. D. DANTYAGI, Joint Secy.

NOTIFICATION.

No. L.D. 918—Legis. 5-52-60, Bangalore, dated 19th August 1952.

Ordered that Notification No. S.R.O. 1292, dated the 17th July 1952 of the Ministry of Communications further amending the Indian Telegraph Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 26th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS).

New Delhi, the 17th July 1952.

S.R.O. 1292.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government directs that the following further amendment shall be made in the Indian Telegraph Rules, 1951, namely :—

For the figure and word "20 miles' in the second proviso to sub-rule (1) of rule 439 of the said rules the figure and word '30 miles' shall be substituted.

[No. R.3-52/51.]

K. V. VENKATACHALAM, Dy. Secy.

120

NOTIFICATION.

No. L.D. 919—Legis. 6-52-33, Bangalore, dated 19th August 1952.

Ordered that Notification No. S.R.O. 1289, dated the 18th July 1952 of the Ministry of Rehabilitation appointing Sri I.M. Lall, I.C.S., as Chief Claims Commissioner from the 8th May 1952, published in the *Gazette of India*, Part II, Section 3, dated the 26th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 18th July 1952.

S.R.O. 1289. —In exercise of the powers conferred by Section 4 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government hereby appoints Shri I. M. Lall, I.C.S., as Chief Claims Commissioner with effect from the 8th May 1952, *vice* Shri Ganganath deceased.

[No. 18(4)/50-A.E.]
S. PRASADA, Dy. Secy.

121

NOTIFICATION.

No. L.D. 920—Legis. 6-52-34, Bangalore, dated 19th August 1952.

Ordered that Notification No. S.R.O. 1291, dated the 22nd July 1952 of the Ministry of Rehabilitation under the Administration of Evacuee Property Act, 1952, rescinding their Notifications dated 27th August 1951 and 27—29th October 1951, published in the *Gazette of India*, Part II, Section 3, dated the 26th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 22nd July 1952.

S.R.O. 1291.—In exercise of the powers conferred by sub-section (1) of Section 55 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby rescinds the following notifications :—

(1) the Notification of the Government of India in the Ministry of Rehabilitation No. 14(105)/Cus/49, dated the 27th August 1951.

(2) the Notification of the Government of India in the Ministry of Rehabilitation No. 14(105)/Cus/49, dated the 27/29th October 1951.

[No. 14(105)Cus/49-A.]

V. D. DANTYAGI, Joint Secy.

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NOTIFICATION.

No. L.D 921—Legis. 6-52-35, Bangalore, dated 19th August 1952.

Ordered that Notification No. S.R.O. 1304, dated the 17th July 1952 of the Ministry of Labour appointing Sri B. S. Puttaswamy, as an Inspector for the whole of the State of Mysore under the Employees' Provident Funds Act, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 26th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 17th July 1952.

S.R.O. 1304—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri B. S. Puttaswamy, Mysore, to be an Inspector for the whole of the State of Mysore for the purposes of the said Act and of any Scheme made thereunder, in relation to factories which are engaged in a controlled industry of in an industry connected with mine or an oil field.

[No. P.F.516(36).]

SADASHIVA PRASAD, Dy. Secy.

123

NOTIFICATION.

No. L.D. 922—Legis. 6-52-36, Bangalore, dated 19th August 1952.

Ordered that Notification No. S.R.O. 1306, dated the 21st July 1952 of the Ministry of Labour notifying certain diseases as diseases connected with mining operations under the Mines Act, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 26th July 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 21st July 1952.

S.R.O. 1306.—In pursuance of sub-section (1) of section 25 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby notifies each of the following diseases as a disease connected with mining operations :—

(1) Silicosis.

(2) Pneumoconiosis.

[No. M. 41(23)/52.]

P. N. SHARMA, Under Secy.

T29

NOTIFICATION.

No. L.D. 946—Legis. 6-52-37, Bangalore, dated 25th August 1952.

Ordered that Notification No. S.R.O. 1317, dated the 28th July 1952 of the Ministry of Finance appointing the First Day of August 1952, as the date on which the State Financial Corporations Act, 1951, shall come into force, published in the *Gazette of India*, Part II, Section 3, dated the 2nd August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

(Department of Economic Affairs).

New Delhi, August 28th July 1952.

S.R.O. 1317.—In exercise of the powers conferred by sub-section (3) of section 1 of the State Financial Corporations Act, 1951 (LXIII of 1951), the Central Government hereby appoints the 1st day of August 1952, as the date on which the said Act shall come into force in all the States to which the said Act, extends.

[No. F.9(107)-F.I/51].

S. K. SEN, Dy. Secy.

125

NOTIFICATION.

No. L.D. 947—Legis. 6-52-38, Bangalore, dated 25th August 1952.

Ordered that Notification No. S.R.O. 1340, dated the 29th July 1952 of the Ministry of Labour extending the Payment of Wages Act, 1936, to all classes of persons employed in Mines to which the Mines Act, 1952, applies with certain exceptions, published in the *Gazette of India*, Part II, Section 3, dated the 2nd August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 29th July 1952.

S.R.O. 1340.—In exercise of the powers conferred by sub-section (5) of section 1 read with section 24 of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby extends the provisions of the said Act, except sub-section (4) of section 8 thereof, which at present extend to the payment of wages to all classes of persons employed in mines (to which the Mines Act, 1952, applies) in certain parts of India, to the payment of wages to all classes of persons employed in mines (to which the Mines Act, 1952, applies) in the rest of India except the State of Jammu and Kashmir, three months' notice of its intention of so extending the aforesaid provisions having been already given as required by sub-section (5) of section 1 of the Payment of Wages Act, 1936.

[No. Fac-52(18).]

SADASHIVA PRASAD, Dy. Secy.

126

NOTIFICATION.

No. L.D. 948—Legis. 5-52-64, Bangalore, dated 25th August 1952.

Ordered that Notification No. 1-CA (1)/52, dated the 26th July 1952 of the Institute of Chartered Accountants of India amending the Chartered Accountants Regulations, 1949, published in the *Gazette of India*, Part I, Section 1, dated the 2nd August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA.

(CHARTERED ACCOUNTANTS.)

New Delhi, the 26th July 1952.

No. 1-CA (1)/52.—In exercise of the powers conferred by sub-section (1) of Section 30 of the Chartered Accountants Act, 1949 (XXXVIII of 1949), the Council of the Institute of Chartered Accountants of India has made the following amendments in the Chartered Accountants Regulations, 1949, the same having been previously published and approved by the Central Government as required by sub-section (3) of the said Section :—

In the said Regulations :—

I. In Regulation 6, for the proviso to sub-regulation (1) the following shall be substituted namely :

"Provided that an applicant may pay Rs. 100 along with his application and the balance of Rs. 200 in two instalments of Rs. 100 each within the first 12 months and 24 months, respectively, from the date of his being enrolled as a member."

II. In Regulation 10 (A), after clause (3) and before the words "But nothing contained", the following shall be added, namely :—

"(4) not having a certificate of practice, represents that he is in practice or practices as a Chartered Accountant;

(5) not being a Fellow, styles himself as a Fellow;

(6) does not supply the information called for or does not comply with the requirements asked for by the Council and/or its Committees;

(7) contravenes any of the provisions of the Act and Regulations."

III. To sub-regulation (4) of Regulation 11, the following proviso shall be added, namely :

"Provided that if the subject-matter in a complaint is, in the opinion of the President, substantially the same as or covered by any previous complaint or information received and if there is no additional ground, the Secretary shall file the said complaint without any further action and inform the complaint accordingly."

IV. In clause (*b*) of sub-regulation (5) of Regulation 11, for the words "Register of Members" the words "Register of Offices and Firms", shall be substituted.

V. In Regulation 13 after the words "such restoration" and before the words "the annual fee", the following shall be added, namely, "the balance of entrance fees, if any,".

VI. In clause (*a*) of Regulation 40 for the words "another Fellow in practice" the words "another Member entitled to train articled clerks" shall be substituted.

VII. In the proviso to clause (*b*) of Regulation 40 after the words "shall remain" add the words "subject to the approval of the Council".

VIII. After Regulation 83 the following Regulations shall be inserted, namely :—

84. Particulars of Offices and Firms.—

"Every Chartered Accountant and every firm of Chartered Accountants shall submit to the Council in Form 'S' of the schedule, the particulars regarding his office and the firm, respectively, before the 15th September 1952, or within three months from the date of commencement of practice or formation of the firm as the case may be whichever is later. Any subsequent change in the particulars submitted should be sent so as to reach the Council within 30 days after the change was effected. A Register of Offices and Firms shall be maintained by the Council in this behalf."

85. Functions to be performed by the President on the dissolution of the First Council.

"On the dissolution of the first Council on the 15th August, 1952, the President of the Council for the time being shall discharge all the administrative duties of the Council under the Chartered Accountants Act and these Regulations and all the functions of the Executive and Examination Committees of the Council until such time as the President of the next Council is elected and takes over charge of his duties."

IX. In the schedule after Form 'R', the following form shall be inserted namely :

FORM 'S'.

PARTICULARS OF OFFICES AND FIRMS.

1. Name of Firm/Chartered Accountant's trade name.

2. Name(s) of the Proprietors/Partners of the firm with their membership numbers.

3. *Date from which the partnership was entered into.

4. Address of the Head Office of the Firm/Chartered Accountant.

5. Addresses of the Branch Offices of the Firm/Chartered Accountant, if any.

6. Name of the Member with the Membership number who is in charge of each of the offices.

7. Names of the Members of the Institute (with their Membership numbers) who are working as paid assistants in the firm/under the Chartered Accountant.

Place.....

Date.....

Signature of the Chartered Accountant/
Firm of Chartered Accountants.

G. P. KAPADIA, President.

NOTIFICATION.

No. L.D. 975—Legis. 5-52-65 Bangalore, dated 29th August 1952.

Ordered that Notification No. S.R.O. 1381, dated the 4th August 1952 of the Ministry of Rehabilitation amending the Administration of Evacuee Property (Central) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated 9th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 4th August 1952.

S.R.O. 1381.—In exercise of the powers conferred by Section 56 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby directs that the following further amendments shall be made in the Administration of Evacuee Property (Central) Rules, 1950, namely :—

In rule 49 of the said Rules—

(*a*) in the first proviso, the words "subject to the next succeeding proviso" shall be omitted;

(*b*) the second proviso shall be omitted.

[No. 14(105) Cus/49.]

MANMOHAN KISHAN,
Assistant Secretary.

*Delete, if inapplicable.

(129)

NOTIFICATION.

No. L.D. 976—Legis. 5-52-66, Bangalore, dated 29th August 1952.

Ordered that Notification No. S. R. O. 1382, dated the 4th August 1952, of the Ministry of Rehabilitation amending the Evacuee Interest (Separation) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 9th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 4th August 1952.

S.R.O. 1382.— In exercise of the powers conferred by Section 23 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby directs that the following further amendments shall be made in the Evacuee Interest (Separation) Rules, 1951, namely :—

In forms 'B' and 'C' appended to the said Rules, after the said words "sixty days from the date of this notice" the following words shall be added :—

"In case no such claim is filed the whole property shall vest in the Custodian free from all encumbrances and liabilities".

[No. 82(13)/51-Prop.]

MANMOHAN KISHAN,
Assistant Secretary.

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NOTIFICATION.

No. L.D. 977—Legis. 5-52-67, Bangalore, dated 29th August 1952.

Ordered that Notification No. S.R.O. 1398 dated the 5th August 1952 of the Ministry of Labour, amending the Workmen's Compensation (Transfer of Money) Rules, 1935, published in the *Gazette of India*, Part II, Section 3, dated the 9th August 1952, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 5th August 1952.

S.R.O. 1398.—In exercise of the powers conferred by section 35 of the Workmen's Compensation Act, 1923 (VIII of 1923) the Central Government hereby directs that the following further amendment shall be made in the Workmen's Compensation (Transfer of Money) Rules, 1935, namely :—

In clause (bb) of rule 2 of the said Rules *for* the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

[No. SS105(199).]

S. NEELAKANTAM,
Deputy Secretary.

131

NOTIFICATION.

No. L.D. 978—Legis. 6-52-41, Bangalore, dated 29th August 1952.

Ordered that Notification No. S.R.O. 1395, dated the 9th August 1952, of the Ministry of Labour under the Mines Act, 1952, exempting all open-cast mines from the operation of Section 46 of the Act, published in the *Gazette of India*, Part II, Section 3, dated the 9th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 9th August 1952.

S.R.O. 1395.—In exercise of the powers conferred by Section 83 of the Mines Act, 1952, (XXXV of 1952), the Central Government hereby exempts all open-cast mines from the operation of section 46 of the said Act in so far as it prohibits the employment of women in any such mine between the hours of 6 A.M. and 7 P.M.

[No. M.41(14)52.]

P. N. SHARMA,
Under Secretary.

132

NOTIFICATION.

No. L.D. 979—Legis. 6-52-40, Bangalore dated 29th August 1952.

Ordered that Notification No. S.R.O. 1377, dated the 1st August 1952 of the Ministry of Information and Broadcasting declaring the film 'RANCHO NOTORIOUS' to be an uncertified film, published in the *Gazette of India*, Part II, Section 3, dated the 9th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 1st August 1952.

S.R.O. 1377.—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the film entitled 'RANCHO NOTORIOUS' produced by M/s R.K.O. Radio Pictures, Ltd., of the United States of America shall be deemed to be an uncertified film in the whole of the territories to which the said Act extends.

[No. 20/26/52-F.]

C. B. RAO,
Deputy Secretary.

NOTIFICATION.

No. L.D. 980—Legis. 6-52-3, Bangalore, dated 29th August

Ordered that Notification No. S.R.O. 1363, dated the 2nd August 1952 of the Ministry of Finance (Revenue Division) under the Sea Customs Act prohibiting the bringing into India any material of the nature described under Section 3 of the Press (Objectionable Matter) Act, 1951, published in the *Gazette of India*, Part II, Section 3, dated 9th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE (REVENUE DIVISION).

CUSTOMS.

New Delhi, the 2nd August 1952.

S.R.O. 1363.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the notification of the Government of India in the late Finance Department (Central Revenues), No. 3-Customs, dated the 21st January 1943, the Central Government hereby prohibits the bringing into India of any document containing any words, signs or visible representations of the nature described in section 3 of the Press (Objectionable Matter) Act, 1951 (LVI of 1951).

[No. 49.]

A. K. MUKARJI,

Deputy Secretary.

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NOTIFICATION.

No. L.S. 8031—L.W. 19-52-10, Bangalore, dated the 29th August 1952.

Whereas by Notification No. L.S. 295—L.W. 19-52-2, dated 19th April 1952, an industrial dispute between the Workers and Management of the Mysore Sugar Company Limited, Mandya, was referred for adjudication to the Second Industrial Tribunal constituted in Government Notification No. L.S. 5330—L.W. 330-51-4, dated 28th March 1952:

And whereas the Government of Mysore are of opinion that a further matter connected with the said industrial dispute should also be referred to the Tribunal for adjudication:

Now, therefore, in exercise of the powers conferred by Clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the undermentioned further matters for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 5330—L.W. 330-51-4, dated the 28th March 1952, *viz.*,—

(1) Reinstatement of Hombiah, Token No. 1638, who has been discharged without giving a Discharge Notice and his confirmation in the post.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 3036—L.W. 19-52-11, Bangalore, dated 29th August 1952.

In exercise of the powers conferred by Clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore hereby directs that the following amendments shall be made in Government Notification No. L.S. 295—L.W. 19-52-2, dated 19th April 1952, namely :—

In the said Notification, in the points of dispute specified therein :

(1) In Item No. 12, for the words "Labour Association" the words "Employee concerned" shall be substituted.

(2) In Item No. 22, for the words "Pillai" and "Mathigere" the words "Gownder" and "Malligere" shall respectively be substituted.

(3) In Item No. 23, for the words "Dodda Madiah, Token No. 926" the words "Dodda Muddiah, Token No. 426" shall be substituted.

(4) In Item No. 26, for the word "Electrical" the word "Civil" shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 3060—L.W. 190-52-2, Bangalore, dated 30th August 1952.

Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the workers and Management of the Government Dichromate Factory, Belagola, in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Dispute Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Notification No. L.S. 1515—L.W. 131-52-1, dated the 28th June 1952.

POINTS OF DISPUTE.

1. Reinstatement of 79 employees whose services are alleged to have been improperly terminated, with continuity of service, or in the alternative on payment of compensation at the rate of one month's salary with D.A. for each year of service, along with other emoluments due to them including leave allowances, on the date of retrenchment.

2. Increments notified in memo No. 1179-1180, dated the 8th October 1951 of the Management to be given effect to from 1st October 1949 for the daily rated staff and from 1st October 1948 for the monthly rated staff.

3. Payment of conveyance allowance at the rate of Rs. 4-8-0 per month to each employee coming from the surrounding villages from a distance of three miles and above.

4. The rent in respect of residential quarters to be charged at the rate of 6¼ per cent of the basic salary.

5. Management to be required to notify Labour Association through a written notice of at least six months, when any change in the existing strength or conditions of service of the employees individually or collectively, is contemplated.

5. Payment of bonus for the past three years at one month's pay or wages for every year of service put in by the employee along with the prevailing rate of dearness allowance.

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7. Those employees who were on monthly wage basis prior to the year 1945 and who were altered as on daily wage basis, to be fixed again on monthly wage basis without loss of emoluments or privileges with retrospective effect from the date of effecting such alteration.

8. Employees who have served on daily wage basis for six months to be fixed on monthly rate basis.

9. Extending the grant of furlough leave facilities to all employees in view of the fact that the nature of work turned out by them is too arduous and hazardous thus giving rise to occupational and allied diseases.

10. All operatives to be provided with clothing or in the alternative to be granted a clothing allowance of Rs. 5 per month each.

11. Granting a house rent allowance at 6¼ per cent of the pay or wages per month to such of the employees who have not been provided with quarters.

12. An impartial body to demarcate the functions of each employee in accordance with equality, justice and good conscience, be formulated.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. A.F. 5157—Mart. 4-52-4, dated Bangalore, 30th August 1952.

In exercise of the powers conferred by Rule 18 of the Mysore Agricultural Produce Markets Rules, 1947, as amended in Notification No. A.F. 784—Mart. 4-52-2, dated 1st May 1952, His Highness the Maharaja of Mysore is pleased to extend the term of the First Regulated Market Committee, Davangere, constituted in Government Order No. A.F. 842-46—Mart. 40-48-2, dated 9th August 1949, by one more year with effect from 9th August 1952.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

NOTIFICATION.

No. 3015—P. & N. 16-52-2, dated Bangalore, 1st September 1952.

In exercise of the powers conferred by Clause (C) of Section 2 of the Press (Objectionable Matter) Act, 1951 (Central Act LVI of 1951), and in supersession of Notification No. 5842—P. & N. 17-51-6, dated the 7th March 1952, the Government of Mysore is pleased to empower the officers specified in Column 1 of the Table below to exercise the powers of the competent authority under the said Act, in

respect of the areas specified in the corresponding entry in Column 2 thereof.

TABLE.

Names of Officers.	*Areas.*
1	2
Any Secretary to the Government of Mysore ...	The whole of the State of Mysore.
District Magistrate, Bangalore ...	Bangalore District.
Do Mysore ...	Mysore District.
Do Mandya ...	Mandya District.
Do Tumkur ...	Tumkur District.
Do Kolar ...	Kolar District.
Do Hassan ...	Hassan District.
Do Shimoga ...	Shimoga District.
Do Chitaldrug ...	Citaldrug District.
Do Chickmagalur ...	Chickmagalur District.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

HOME DEPARTMENT.

No. H.A. 4497—Pol. 76-52-3, dated Bangalore, 29th August 1952.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Mysore Police Act, 1908 (Act V of 1908), His Highness the Maharaja of Mysore is pleased to extend the provisions of Section 56 of the Mysore Police Act, 1908, as amended from time to time, to Hesseraghatta Village and the premises of the Travellers' Bungalow and the Boats Club beside the Village in Bangalore North Taluk, Bangalore District.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,
Secretary to Government,
Home Department.

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BANGALORE, TUESDAY, SEPTEMBER 9, 1952.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

CORRIGENDUM.

No. E.B. 9978—Eln. 49-52-2, dated Bangalore, 9th September 1952.

In Notification No. E.B. 9292—Eln. 49-52-1, dated the 26th August 1952, published in the *Mysore Gazette* (Extraordinary) dated the 26th August 1952, *for* "Nelamangala" occurring against serial No. 30 therein under the heading Mandya District, *read* "Nagamangala".

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

LABOUR DEPARTMENT.

NOTIFICATION.

No. L.S. 8182—L.W. 175-51-6, dated Bangalore, 5th September 1952.

Labour Disputes—Dispute between the Tannery Workers' Association and the State's Hides and Skins Merchants and Tanners'

CORRIGENDA.

On Page 421 of Part IV-1-C of *Mysore Gazette*, dated 11th September 1952—

For Notification No. L.D. 980—Legis. 6-52-3, dated 29th August

read Notification No. L.D. 980—Legis. 6-52-39, dated 29th August 1952.

I.C. 2 of 1952-53.

Present.

Sri A. R. Nagesvara Iyer, B.A., B.L. ... *Chairman.*

Sri V. Kandaswami Pillai, B.A., B.L. ... *Member.*

Complaint No. 1 of 1952-53.

Subramani and others—Members of the Tannery Workers' Association, Jeevanahalli, Bangalore. ... *Complainants.*

Versus

Their Employers, represented by the Mysore State's Hides and Skins Merchants and Tanners' Association, Bangalore. ... *Respondents.*

For the Complainants.

Sri A. Nagesha Rao, B.A., B.L., Advocate.

For the Respondents.

Janab M. Hanief, B.A., B.L., Advocate.

AWARD.

This is an application under Section 33 (A) of the Industrial Disputes Act filed by the President of the Tannery Workers' Union, Bangalore, complaining that subsequent to the reference of the dispute between the parties to this Tribunal for

adjudication, the owners of 16 Tanneries closed their tannery shops and have in consequence thrown out of employment a large number of workers. The list of the Tanneries which have so closed their tannery shops, as also the names of the workmen thrown out of employment, as alleged, was appended to the petition. They prayed "that an award may be passed declaring the closure of the tanneries as being illegal and ordering the reinstatement of the employees so discharged with back pay and other allowances from the date of dismissal up to the date of reinstatement."

Objections were filed by the employers denying the allegations made in the complaint.

In view of the settlement of their disputes in the main case, Sri A. Nagesha Rao, Advocate for the workers, represented that he was not pressing the petition and he would withdraw the same. The petition is consequently dismissed. No order as to costs.

A. R. NAGESVARA IYER,
Chairman.

V. KANDASWAMI PILLAI,
Member.

ORDER NO. L.S. 3182—L.W. 175-51-6, DATED BANGALORE, THE 5TH SEPTEMBER 1952.

Whereas under Section 33 (A) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by Sri Subrahmani and other Tannery Workers, Jeevanahalli, Bangalore, to the Industrial Tribunal, Bangalore, that their employers, (represented by the Mysore State's Hides and Skins Merchants and Tanners' Association, Bangalore) have, during the pendency of proceedings before the Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the Award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, the Government of Mysore hereby directs that the said Award, as above be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

LABOUR DEPARTMENT.

No. L.S. 8187.—L.W. 175-51-7, dated 5th September 1952.

Labour Disputes—Industrial Dispute between the Mysore State's Hides and Skins Tanners' Association, Bangalore, and the Tannery Workers' Association, Jeevanahalli, Bangalore—Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

(1) Letter No. Nil, dated 25th August 1952, from Sri A. R. Nagesvara Iyer, B.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Saturday, the 16th day of August 1952.

Present.

Sri A. R. Nagesvara Iyer, B.A., B.L. ... ... *Chairman.*

Sri V. Kandaswami Pillai, B.A., B.L. ... ... *Member.*

I.C. 2 of 1952-53.

Between

The Mysore State's Hides and Skins Tanners' Association, Bangalore,

and

The Tannery Workers' Association, Jeevanahalli, Bangalore.

For the Employers.

Janab M. Hanief, B.A., B.L. Advocate, instructed by Janab L. Abdul Salam, Secretary of their Association.

For the Workmen.

Sri A. Nagesha Rao, B.A., B.L., Advocate, instructed by Sri I. Maridas, President of the Tannery Workers' Association.

AWARD.

The dispute in this case was referred to this Tribunal for adjudication under sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947) by the Government of Mysore by their Order No. L.S. 250—L.W. 175-51-4, dated 17th April 1952.

The following issues were framed :—

1. Are the present wage rates low and therefore liable to the increased as demanded by the workers ?

2. Is the Dearness Allowance paid adequate ?

3. Are the workers entitled to three months' Pongal Bonus ?

4. Whether there are any leave facilities provided for the workers ? And whether they are entitled to 15 days' Casual leave and 15 days' Sick leave with full pay ?

5. Whether the vacancies occurring in the Tanneries should be filled in consultations with the Workers' Association?

6. Has there been a breach of the terms of the Agreement of 1947 by either of the parties?

7. What reliefs, if any, are the parties entitled to?

The case came on for final hearing on 16th August 1952. Both parties represented that they had settled the disputes between them out of Court and presented a razinama or compromise petition praying that an award may be made in terms of the razinama which is appended to the award. According to the razinama demands Nos. 3, 5 and 6 which are subject matter of issues 3, 5 and 6, respectively, are not pressed by the employees. The demands covered by those issues are disallowed and an award is made in accordance with the terms of the razinama in the annexure.

There will be no order as to costs.

A. R. NAGESVARA IYER,
Chairman.

V. KANDASWAMI PILLAI,
Member.

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, BANGALORE.

I.C. No. 2 of 1952-53.

Employees:		*Employees*
The Tannery Workers' Association, Jeevanahalli, Bangalore, by President.	*Vs.*	The Mysore State Hides and Skins Merchants and Tanners' Association, Bangalore, by Secretary.

The Employees and Employers beg to file the following Razinama :—

1. *Wage Rates.*—The wage rates shall be as per the rates given in the Minimum Wages Act XI of 1948.

		Rs.	a.	p.	
(i)	Nanu (Soaking in water first and then in lime)...	0	10	0	per unit
(ii)	Chella (Fleshing)	0	10	0	,,
(iii)	Patta Thotti (Or Bark Tank)	0	10	0	,,
(iv)	Second Patta Thotti	0	10	0	,,
(v)	Kaduka (Myrabolom)	0	10	0	,,
(vi)	Second Kaduka	0	10	0	,,
(vii)	Oiling	0	10	0	,,
(viii)	Thana	0	10	0	,,
(ix)	Madichal	0	10	0	,,

(x) Mudi (Removing hair) at the prevailing rates between Re. 1 and Rs. 1-2-0 per pit with no dearness allowance.

(xi) Changing pits.—Elangaram Pit, and Mudi Pit at the prevailing rates between Re. 0-1-3 to Re. 0-2-0 per pit, with no dearness allowance.

(xii) The casual workers when employed in the above processes shall be paid Re. 1 per day. The existing work loads obtaining in the tanneries shall continue with regard to all the above items.

2. *Dearness Allowance.*—The Dearness Allowance will be per men Rs. 18 and for women and children Rs. 12-12-0 as per the Minimum Wages Act IX of 1948.

3. *Leave facilities.*—The Employees will get five days leave for sickness in a year on proof of sickness with wages and dearness allowance and 15 days leave in a year with wages and dearness allowance provided they had put in a continuous service of one year during the previous year.

4. The Employees do not press their demands with regard to Bonus (No. 3) filling of vacancies (No. 5) and implementation of the Agreement of 1947 (No. 6).

5. The Razinama will take effect from the date of award.

The parties abovenamed pray that the Hon'ble Court may be pleased to pass and award in the terms of this Razinama.

Bangalore, 16*th August* 1952.

I. MARIDAS,
The Tannery Workers' Association, Jeevanahalli, by Pesident.

MD. HANIEF,
Advocate for the Employers.

L. ABDUL SALAM,
The Mysore State Hides and Skins Merchants and Tanners' Association, Bangalore, by Secretary.

A. NAGESHA RAO,
Advocate for the Employees.

ORDER NO. L.S. 3187—L.W. 175-51-7, DATED BANGALORE, THE 5TH SEPTEMBER 1952.

Whereas by State Government Notification No. L.S. 250—L.W. 175-51-4, dated 17th April 1952, the Industrial Dispute between the Mysore State's Hides and Skins Tanners' Association, Bangalore, and the Tannery Workers' Association, Jeevanahalli, Bangalore, was referred to the Industrial Tribunal, Bangalore, for adjudication;

And whereas the Industrial Tribunal has submitted to the State Government its Award in respect of the said Industrial Dispute;

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore hereby directs that the said Award be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

Order No. L. D. 1014—Legis. 39-52-1, Bangalore, dated 11th September 1952.

Ordered that the Mysore High Court (Amendment) Act, 1952, which received the assent of His Highness the Rajpramukh on the 30th day of August 1952, be published as Mysore Act No. XXIV of 1952, in the *Mysore Gazette*, for general information.

MYSORE ACT No. XXIV OF 1952.

THE MYSORE HIGH COURT (AMENDMENT) ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the Thirtieth Day of August 1952.)

An Act further to amend the Mysore High Court Act, 1884.

WHEREAS it is expedient further to amend the Mysore High Court Act, 1884 (Mysore Act I of 1884), for the purpose hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore High Court (Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (2) of section 15 of the Mysore High Court Act, 1884, the words "on which there is no further appeal under the law for the time being in force" shall be omitted. Amendment of section 15 of Mysore Act I of 1884.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION.

Order No. L.D. 1015—Legis. 40-52-1, Bangalore, dated 11th September 1952.

Ordered that the Mysore Drugs (Control) (Amendment) Act, 1952, which received the assent of His Highness the Rajpramukh, on the 29th day of August 1952, be published as Mysore Act No. XXV of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XXV OF 1952.

THE MYSORE DRUGS (CONTROL) (AMENDMENT) ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the Twenty-ninth day of August 1952.)

An Act to amend the Mysore Drugs (Control) Act, 1950.

Preamble.

WHEREAS it is expedient to amend the Mysore Drugs (Control) Act, 1950, (Mysore Act VI of 1950), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Drugs (Control) (Amendment) Act, 1952.

(2) It shall come into force at once.

Amendment of section 10, of Mysore Act VI of 1950.

2. In section 10 of the Mysore Drugs (Control) Act, 1950, (hereinafter referred to as the principal Act),—

(*a*) in sub-section (1), after the words "exhibit on the premises a price list of drugs held for sale", the words "and a statement of the quantities of such drugs in his possession" shall be inserted;

(*b*) in sub-section (2), after the words "No dealer shall destroy, efface or alter," the words "or cause to be destroyed, effaced or altered" shall be inserted.

3. For section 12 of the principal Act, the following section shall be substituted, namely :— Substitution of a new section for section 12 of Mysore Act VI of 1950.

"12. If in the opinion of the Controller of Civil Supplies, it is necessary or expedient so to do, he may by order in writing— Prohibition or regulation of the disposal of drugs.

(a) prohibit the disposal of any drug except in such circumstances and under such conditions as may be specified in the order ;

(b) direct the sale of any drug to any such dealer or class of dealers and in such quantities as may be specified in the order ;

and make such further orders as appear to him to be necessary or expedient in connection with any order issued under this section."

4. To section 16 of the principal Act, the following words shall be added, namely :— Amendment of section 16 of Mysore Act VI of 1950.

"and the provisions of the Code of Criminal Procedure 1898 (Central Act V of 1898), shall, so far as may be applicable, apply to any search or seizure under this Act, as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code."

5. In section 17 of the principal Act, clause (d) of sub-section (2) shall be omitted. Amendment of section 17 of Mysore Act VI of 1950.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION.

Order No. L. D. 1016—Legis. 41-52-1. Bangalore, dated 11th September 1952.

Ordered that the Mysore Agricultural Produce Markets (Amendment) Act, 1952 which received the assent of His Highness the Rajpramukh on the 29th day of August 1952, be published as Mysore Act No. XXVI of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XXVI OF 1952.

THE MYSORE AGRICULTURAL PRODUCE MARKETS (AMENDMENT) ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the Twenty-ninth day of August 1952.)

An Act to amend the Mysore Agricultural Produce Markets Act, 1939.

WHEREAS it is expedient to amend the Mysore Agricultural Produce Markets Act, 1939, (Mysore Act XVI of 1939), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Agricultural Produce Markets (Amendment) Act, 1952.

(2) It shall come into force at once.

Amendment of section 3 of Mysore Act XVI of 1939.

2. In section 3 of the Mysore Agricultural Produce Markets Act, 1939 (hereinafter referred to as the principal Act), after clause (*a*), the following clause shall be inserted, namely :—

(a-i) "Chief Marketing Officer" means the Chief Marketing Officer appointed by the State Government;

Amendment of section 7 of Mysore Act XVI of 1939.

3. In section 7 of the principal Act, for the words "such officer as may be appointed by the Government in this behalf", the words "the Chief Marketing Officer" shall be substituted.

4. After section 7 of the principal Act, the following section shall be inserted, namely :— Insertion of a new section 7-A in Mysore Act XVI of 1939.

"7A. (1) If it appears to the Chief Marketing Officer that an amendment of the bye-laws of the Market Committee is necessary or desirable in the interests of such Committee, he may call upon the Committee to make the amendment within such time as he may specify.

(2) If the Committee fails to make the amendment within the time specified by the Chief Marketing Officer, he may, after giving the Committee an opportunity of being heard, register such amendment and forward to the Committee in the prescribed manner a copy of the amendment together with a certificate signed by him which shall be conclusive evidence that the amendment has been registered; and such amendment shall thereupon be binding on the Committee and its members.

(3) An appeal shall lie to the State Government against any order of the Chief Marketing Officer passed under sub-section (2), within one month from the date of the communication by the Chief Marketing Officer, of the registration of the amendment."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

Order No. L.D. 1019—Legis. 42-52-1, Bangalore, dated 11th September 1952.

Ordered that the Mysore Places of Public Resort Act, 1952, which received the assent of His Highness the Rajpramukh, on the 30th day of August 1952, be published as Mysore Act No. XXVII of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XXVII OF 1952.

THE MYSORE PLACES OF PUBLIC RESORT ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the Thirtieth Day of August 1952.)

An Act to provide for the inspection and licensing of places of public resort and entertainment.

Preamble.

Whereas it is expedient to provide for the inspection and licensing of places of public resort and entertainment ;

It is hereby enacted as follows :—

Short title, extent, commencement and saving.

1. (1) This Act may be called the Mysore Places of Public Resort Act, 1952.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the Cities of Bangalore, Mysore and Davangere and the Kolar Gold Field Sanitary Board Area ; and shall come into force in such other areas from such date as the Government may, by notification in the *Mysore Gazette*, specify in this behalf.

(4) Nothing in this Act shall apply to any church, temple, mosque or other place of public worship or to any place used for exhibition by means of cinematograph.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "building" includes any house, hut, shed or roofed enclosure ;

(2) "Government" means the State Government ;

(3) "Licensing Authority" means in respect of the Cities of Bangalore and Mysore, the City Magistrate and in respect of any other area such Magistrate as the Government may, by notification in the *Mysore Gazette*, authorise in this behalf.

3. No enclosed place or building, whether permanent or temporary, having an area of not less than three hundred square feet, shall be used for public resort or entertainment, unless a license has been previously obtained in the manner hereinafter provided.

No enclosed place or building with area of three hundred square feet to be used for public resort without license.

4. When any person desires to obtain a license to use any enclosed place or building for public resort or entertainment or to construct any enclosure or building for such purpose, he shall apply to the Licensing Authority setting forth the name of the owner of the place or building, its situation, size, and description; the material of which the enclosure or building is made or proposed to be made, whether it is, or is proposed to be permanent or temporary and the purpose for which it is proposed to be used.

Authority to whom application should be made.

5. Upon the receipt of any such application the Licensing Authority shall inspect or cause to be inspected the place or building in respect of which a license is required and may require the applicant, by notice in writing, to make any alteration or addition to the material or arrangement of the enclosure or building, or in the precautions for the safety of the public to be assembled therein, and may refuse to grant a license until the alteration or addition is made.

Authority shall inspect and may require addition or alteration to place or building.

6. (1) If the Licensing Authority is satisfied—

(*a*) that the enclosed place or building may safely be used for the purpose of public resort or entertainment;

(*b*) that no objection, arising from its situation, ownership or the purpose proposed, exists;

it shall give to the applicant a written license signed by it, specifying the enclosure or building and the purpose for which it is to be used.

When Licensing Authority to grant license.

Such license shall be in such form and subject to such fee and conditions as the Government may from time to time by rules prescribe.

(2) If the Licensing Authority is not satisfied as aforesaid it may for reasons to be recorded in writing, refuse to grant a license.

License to state period for which it is to be in force.

7. Every license granted under this Act shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period.

Revocation or suspension of license.

8. The Licensing Authority may for reasons to be recorded in writing, revoke or suspend the license when it has reason to believe –

(*a*) that the license has been fraudulently obtained;

(*b*) that the enclosed place or building has been used for other purposes of public resort or entertainment than that for which the license was granted;

(*c*) that the place or building can no longer be safely used for the purpose for which the license was granted.

Appeal against order under sections 5, 6 and 8.

9. (1) Any person aggrieved by an order under sections 5, 6 and 8 may, within thirty days from the date on which he received the order, appeal to the District Magistrate of the District.

(2) The District Magistrate shall have the same power to inspect and to require alteration or addition in the enclosed place or building as the Licensing Authority and may either grant or withhold the license or make such other order as he thinks fit.

Power to enter place of public resort, to inspect license or to prevent further use.

10. It shall be lawful for any Magistrate or Officer of Police in charge of a station or of higher rank than Head Constable to enter at any time any enclosure or building for which a license is required under this Act, to inspect the license if any, has been issued, and if there is no license or if the conditions of the license are not observed or if he sees reason to apprehend imminent danger to the public, to prevent the further use of such enclosure or building as a place of public resort or entertainment.

11. The District Magistrate may call for and examine the record of any proceedings taken under this Act, may call for any report in connection therewith, make or cause to be made any further inquiry, and may pass any order which the authority holding the proceeding might have passed.

District Magistrate may revise any proceedings under this Act.

12. Every person who, having the immediate control of any enclosed place or building, permits it to be used for public resort or entertainment without having obtained a license, or having obtained a license under this Act, permits such use in contravention of any of the conditions of such license, shall be liable, on conviction before a Magistrate, to a fine which may extend to five hundred rupees.

Penalties.

13. The Government may, subject to the condition of previous publication, by notification in the *Mysore Gazette*, make rules for carrying out the purposes of this Act.

Power to make rules.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION.

Order No. L.D. 1020–Legis. 43-52-1, Bangalore, dated 11th September 1952.

Ordered that the Mysore Village Panchayets and District Boards (Amendment) Act, 1952, which received the assent of His Highness the Rajpramukh on the 30th day of August 1952, be published as Mysore Act No. XXVIII of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XXVIII OF 1952.

THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS (AMENDMENT) ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the Thirtieth Day of August 1952.)

An Act to amend the Mysore Village Panchayets and District Boards Act, 1952.

Preamble.

Whereas it is expedient to amend the Mysore Village Panchayets and District Boards Act, 1952 (Mysore Act No. IV of 1952), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore Village Panchayets and District Boards (Amendment) Act, 1952.

(2) It shall come into force at once.

Amendment of section 3 of Mysore Act IV of 1952.

2. In the proviso to sub-section (2) of section 3 of the Mysore Village Panchayets and District Boards Act, 1952 (hereinafter referred to as the principal Act), for the words and figures "with a population of less than 2,000 but more than 1,000", the words and figures "with a population of less than 2,000 or more than 5,000" shall be substituted.

Amendment of section 5 of Mysore Act IV of 1952.

3. In the proviso to sub-section (1) of section 5 of the principal Act, for the words "each village", the words "each inhabited village" shall be substituted.

Substitution of new section for section 38 of Mysore Act IV of 1952.

4. For section 38 of the principal Act, the following section shall be substituted, namely,—

"38. The Government shall assign to all the Panchayets in the State an amount equal to twelve and a half per cent of the net land revenue collected in the State, the amount to be allotted to each Panchayet being such as the Government may from time to time determine.

Government to assign part of land revenue to Panchayets.

Explanation.—For determining the net land revenue collected for purposes of assignment to the Panchayets, the cost of collection calculated in the prescribed manner and charges on irrigation, collected as water rate or other charge, shall be excluded from the gross amount collected".

5. After section 105 of the principal Act, the following section shall be inserted, namely—

Insertion of new section 105-A in Mysore Act IV of 1952.

"105-A. (1) The Government shall levy a local cess at a rate of one anna in the rupee on all items of land revenue and forest revenue and may, on the request of any District Board, levy the local cess within the jurisdiction of that District Board, at a rate not exceeding two annas in the rupee on all or any of the said items of revenue.

Levy of local cess.

(2) The levy and collection of the local cess shall be made in such manner as may be prescribed".

6. In section 106 of the principal Act,

Amendment of section 106 of Mysore Act IV of 1952.

(1) in sub-section (1), for the words "the land revenue", the words "the *net* land revenue" shall be substituted;

(2) in sub-section (2) for the words "the land revenue" the words "the *net* land revenue" shall be substituted, and after the sub-section the following explanation shall be inserted, namely—

"*Explanation.*—For determining the net land revenue collected for purposes of assignment to the District Boards under sub-sections (1) and (2), the cost of collection calculated in the prescribed manner and charges on irrigation, collected as water rate or other charge, shall be excluded from the gross amount collected".

(3) for sub-section (3) the following sub-section shall be substituted, namely:—

"(3) The Government shall further make over to every District Board the following amounts, namely—

(*a*) an amount equal to one-seventeenth of the excise revenue collected in the area within the

jurisdiction of the District Board excluding the cost of collection; and

(b) an amount equal to the entire local cess collected under section 105A in the area within the jurisdiction of the District Board excluding the cost of collection.

Explanation.—In this sub-section "excise revenue" means the revenue derived from such items as may from time to time be determined by the Government."

(4) sub-section (5) shall be omitted.

Substitution of new section for section 175 of Mysore Act IV of 1952.

7. For section 175 of the principal Act, the following section shall be substituted and shall always be deemed to have been substituted, namely :—

Temporary and transitional provisions.

"175. (1) Notwithstanding anything contained in this Act,—

(a) until the Constitution of the District Board in accordance with the provisions of this Act the body functioning as the District Board in that district immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act on a District Board;

(b) casual vacancies in the seats of the members of the District Board functioning under clause (a) shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the rules governing the filling up of such vacancies and regulating such matters in force immediately before the commencement of this Act subject to such modifications as the Government may by notification make in such rules;

(c) the term of office of the members referred to in clause (a) shall subject to the provisions of sections 54 and 60 extend to or expire on (as the case may be) such date as the Government may by notification in the *Mysore Gazette*, appoint and the Government shall cause elections of members to be held so that the newly elected members may

come into office on the date fixed for the retirement of old members.

(2) Notwithstanding anything contained in this Act,—

(*a*) until the constitution of a Village Panchayet in accordance with the provisions of this Act the body functioning as the Village Panchayet in that village immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act on a Village Panchayet;

(*b*) casual vacancies in the seats of the members of the Village Panchayet functioning under clause (*a*) shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the rules governing the filling of such vacancies and regulating such matters in force immediately before the commencement of this Act subject to such modifications as the Government may by notification make in such rules;

(*c*) the term of office of the members referred to in clause (*a*) shall, subject to the provisions of section 11, extend to or expire on (as the case may be) such date as the Government may by notification in the *Mysore Gazette* appoint, and the Government shall cause elections of members to be held so that the newly elected members may come into office on the date fixed for the retirement of old members."

8. The Mysore Village Panchayets and District Boards (Amendment) Ordinance, 1952, is hereby repealed, but anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by section 8 of this Act as if this Act had come into force on the date the said Ordinance was promulgated.

Repeal of Mysore Ordinance II of 1952 and savings.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

Order No. L.D. 1027—Legis. 44-52-1, Bangalore, dated 18th September 1952.

Ordered that the Mysore Prohibition of Smoking in Show Houses and Public Halls Act, 1952, which received the assent of His Highness the Rajpramukh, on the 1st day of September 1952, be published as Mysore Act No. XXIX of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XXIX OF 1952.

THE MYSORE PROHIBITION OF SMOKING IN SHOW HOUSES AND PUBLIC HALLS ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the First Day of September 1952.)

An Act to prohibit Smoking in Show Houses and Public Halls in the State of Mysore.

Whereas it is expedient to prohibit smoking in Show Houses and Public Halls in the State of Mysore; **Preamble.**

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Prohibition of Smoking in Show Houses and Public Halls Act, 1952. **Short title, extent and commencement.**

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. In this Act,— **Definitions.**

(*a*) "Government" means the State Government;

(*b*) "Show House" means any building or any roofed and enclosed structure, used ordinarily or occasionally for the demonstration or exhibition

to the public, whether on payment or otherwise of cinematographic films, dramatical pantomime or musical performances;

(c) "Public Hall" means a chamber or hall used ordinarily or occasionally as a place of public assembly or meeting;

(d) "smoke" means inhalation and exhalation of the smoke of tobacco.

Prohibition of smoking in Show Houses and Public Halls.

3. (1) If any demonstration, exhibition or meeting is held in a Show House or Public Hall, then no person shall during the prohibited period as defined in sub-section (2) smoke either—

(a) on the stage except in so far as smoking may be part of the demonstration or exhibition, or

(b) in the auditorium, that is to say, in that portion of the Show House or Public Hall in which accommodation is provided for audience or the spectators.

(2) For the purposes of sub-section (1), 'prohibited period' means so much of the period commencing thirty minutes before the beginning of the demonstration, exhibition or meeting and ending with the termination thereof, as may fall within the hours which the Government may, by notification in the *Mysore Gazette*, specify in this behalf for demonstrations, exhibitions or meetings generally or any class of demonstrations, exhibitions or meetings.

(3) Any person who contravenes the provisions of this section and who on being asked by a police officer to desist from smoking persists, shall be liable to be removed from the Show House or Public Hall by such police officer and shall also be punishable with fine which may extend to fifty rupees and for a second or subsequent offence with fine which may extend to one hundred rupees.

(4) A person ejected under sub-section (3) shall not be entitled to the refund of any payment made by him for admission to the demonstration, exhibition or meeting or to any other compensation.

4. (1) Every person responsible for the management of a demonstration or exhibition in a Show House and every person who is in charge of the arrangements of a public assembly or a meeting in a Public Hall, shall bring to the notice of the audience or the spectators, by posting notices prominently or by exhibiting slides, that any person who smokes during the prohibited period, either on the stage or in the auditorium reserved for the audience or spectators, shall be liable to be ejected summarily and also to payment of fine.

Management to post notices or exhibit slides.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

5. The Government may, by general or special order, direct that all or any of the provisions of this Act shall not apply in respect of any Show House or Public Hall or any demonstration, exhibition or public meeting therein.

Power to exclude from the ope ation of the Act.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. I. 1753—Ind. 67-52-3, dated Bangalore, 8th September 1952.

Under Rule 6 of the Rules framed under the Mysore Sugar Factory Sugarcane Cess Act, 1948, the Government of Mysore direct that Cess on Sugarcane crushed by Sugar Factories in Mysore shall be levied at Rs. 6 (Rupees six) per ton for the year 1952-53.

By Order of His Highness the Maharaja,

R. J. REGO,
Secretary to Government,
Development Department.

NOTIFICATION.

No T. 2007—R.T. 4 52.26, dated Bangalore, 11th September 1952.

In partial modification of the Notification No. T. 591 R. T. 4-52-19, dated the 8th May 1952, published in Part IV—2-c, Pages 192–193 of the *Mysore Gazette* dated 15th May 1952, constituting a Regional Transport Authority for Bangalore District with the Deputy Inspector-General of Police, Bangalore City, as the *Ex-officio* Secretary of the said Authority, His Highness the Maharaja is pleased to appoint, with immediate effect, the District Superintendent of Police, Bangalore District, instead of the Deputy Inspector-General of Police, Bangalore City, as the *Ex-officio* Secretary of the Regional Transport Authority, Bangalore, constituted in the said Notification.

By Order of His Highness the Maharaja,

R. J. REGO,
Secretary to Government,
Development Department.

NOTIFICATION.

No. 3287—Cts. 152-52-2, Bangalore, dated 12th September 1952.

In exercise of the powers conferred by section 20 of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act No. XXX of 1951), His Highness the Maharaja of Mysore is pleased to exempt all houses taken on lease by the Military Engineering Services Organisation of the Defence Department of the Government of India from the provisions of sub-section (3) of section 8 of the said Act.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 2937—L.W. 102-52-4, dated Bangalore, 27th August 1952.

The following draft of Boiler Attendants' Rules and Economiser Inspection Administrative Rules, which it is proposed to make in exercise of the powers conferred by Section 29 of the Indian Boilers Act, 1923 (V of 1923), are hereby published for the information of all persons likely to be affected thereby, as required by Section 31 of the said Act.

Notice is hereby given that the said draft will be taken into consideration on or after the 15th October 1952.

Objections or suggestions to the draft rules sent to the Secretary to Government, Law Department, through the Commissioner of Labour and Chief Inspector of Factories and Boilers in Mysore Bangalore, before the said date, will be considered by the State Government.

DRAFT BOILER ATTENDANTS' RULES.

Rules under Section 29 (d) of the Indian Boiler Act, 1923 (V of 1923).

I PRELIMINARY.

I (1) These rules may be called the Boiler Attendants' Rules, 1952. Short title commencement and definition.

(2) (*a*) They shall come into force on the.....

(*b*) The Mysore Boiler Rules, 1930—Rule 10-26 relating to examination for certificates of competency examination for certificates of service and cancellation or suspension of certificates after enquiry shall as from the commencement of these Rules, cease to have effect except in regard to things done or to be done before such commencement.

(3) In these Rules, unless the context otherwise requires.....

(*a*) "the Act" means the Indian Boiler Act, 1923 (V of 1923).

(b) "section" means a section of the Act.

(c) every reference in these rules to a boiler or boilers shall be deemed to include also a reference to an economiser or economisers, respectively.

II GENERAL.

2. The owner of a boiler shall not use it or permit it to be used unless it is placed under the direct and immediate charge of a fit and proper person as required by rule 3.

Boiler to be incharge of person holding a boiler attendants' certificate.

Provided that the State Government may, by notification in the Official Gazette, exempt any boiler or classes or types of boilers from the operation of this rule.

Provided further, that nothing in these rules shall debar a person from holding a certificate of competency, as an attendant granted under the Mysore Boiler Rules, 1930 from remaining in attendance and in charge of a boiler or boilers to the extent of his qualifications indicated in such certificate.

Competent person must possess certificate; extent of qualification.

3. No person who does not possess a certificate of competency as an attendant under these rules shall be deemed a fit and proper person to hold charge of a boiler and no holder of any such certificate shall be deemed a fit and proper person to be in attendance and in charge of a boiler except to the extent of his qualification indicated in such certificate.

Holders to produce the same certificate when called for by any authorised person.

4. The holder of a certificate or a provisional order under these rules shall, at all reasonable times during the period any boiler is in his charge, be bound to produce such certificate when called upon to do so by any of the persons empowered under Section 15 to call for the production of the certificate or provisional order authorising the use of the boiler.

Owner to furnish Chief Inspector with particulars of certificates.

5. (1) The owner of any boiler or battery of boilers who engages any person to be in charge thereof, shall within seven days of such engagement furnish the Chief Inspector with full particulars of such person including the grade, serial number, date and place of issue of his certificate.

(2) The owner of any boiler who engages any person to hold charge of such boiler shall, in the event of such person leaving his employment or in the event of the death of such person, report the fact forthwith to the

Chief Inspector and shall send along with the report the certificate granted under these rules to such person if the same is deposited with him.

Provided that where the person so engaged to hold charge of the boiler leaves the employment after due notice, the owner shall return the certificate to such person instead of sending it to the Chief Inspector.

Limits of daily period of attendance reliefs allowed and sphere of action.

6. (*a*) An attendant in charge of a boiler for which a certificate of competency as an attendant of the first class is required may be relieved of charge by a person holding a certificate of the second class, in any one day for not more than two periods, the total of which does not exceed two hours.

(*b*) The holder of a first class certificate may, with the consent in writing of the Chief Inspector be relieved by a person holding a certificate of the second class for a period which may extend to seven consecutive days which, in special circumstances, the Chief Inspector may extend to any length of time not exceeding 30 days at a time.

(*c*) A person in charge of a boiler shall be deemed to be in direct and immediate attendance and charge of the same when he is within 150 feet of such boiler.

When boiler deemed to be in use.

7. (*a*) A boiler shall be deemed to be in use for the purpose of these rules when there is active fire in the furnace, firebox or fire place for the purpose of heating the water in the boiler. A boiler shall be deemed to be not in use only when the fire is removed and all steam and water connections are closed.

(*b*) An economiser shall be deemed to be in use for the purpose of these rules, when there is a flow of flue gases past the economiser and an appreciable heat transfer between the water and the heating gases.

III Board of Examiners.

Constitution of the board of examiners.

8. (1) A Board of Examiners shall be constituted for Mysore consisting of the Chief Inspector, an Inspector nominated by the Chief Inspector and not less than two other members having theoretical and practical knowledge of prime movers and modern boiler practice to be appointed by the State Government from time to time.

(2) The Chief Inspector or any other person appointed by Government shall be the *ex-officio* Chairman and the Inspector nominated by the Chief Inspector shall be the *ex-officio* Secretary to the Board of Examiner.

Term of office of the members.

9. The term of office of each of the members other than the *ex-officio* members of the Board of Examiners shall be three years. If a member leaves the State of Mysore or is absent therefrom for a period of more than six months, he shall be deemed to have vacated his seat on the Board and another person may be appointed in his place for the unexpired portion of his term.

Function of the board.

10. The Board of examiner shall:—

(i) Conduct examination of candidates for the grant of certificates of competency as a boiler attendant.

(ii) Grant certificates of competency as a boiler attendant.

(iii) Consider the reports of enquiries into allegations of drunkenness, negligence or misconduct on the part of boiler attendants holding certificates of competency granted under these rules and take such action as they may consider necessary.

Meeting of the board.

11. The Board of Examiners shall meet as often as may in the opinion of the Chairman be necessary for transacting business which cannot be disposed of by circulation of papers. At least fifteen clear days' notice of a meeting shall be sent to each member.

Quorum.

12. Three members including the chairman, actually present at a meeting shall form a quorum.

Chairman of the board.

13. The Chairman shall preside over all meetings of the Board of Examiners and in his absence, a member chosen by the members present at the meeting shall preside over the meeting.

Secretary of the board.

14. The Secretary of the Board of Examiners shall maintain a register of boiler attendants holding certificates of competency and shall perform such other functions as are specified in these rules or as the Chairman of the Board of Examiners may direct.

Board's endorsement on application.

15. The Board of Examiners shall endorse on the printed application form of each candidate the result of his examination for a certificate of competency as a boiler attendant. The endorsed application shall be returned to the Secretary to the Board.

Board empowered to refuse issue of certificate.

16. The Board Examiners shall have power to refuse the issue of certificate of competency as a boiler attendant to any candidate who in the opinion of the majority of the members appears too old or physically unfit through

formity, constitutional weakness, defective eyesight, ...fness or loss of a limb to perform efficiently the duties of a boiler attendant.

Any candidate who has been refused such certificate may be asked to produce a certificate of fitness from a Registered Medical Practitioner. If however the candidate produces a certificate of physical fitness the board shall issue a certificate.

17. Each member of the Board of Examiners shall be entitled to receive fees for examining candidates under these rules and the rate of fees shall be determined by the State Government.

IV. Examination.

Examination.

18. Examinations for the grant of certificates of competency as a Boiler Attendant to remain in charge of boilers shall be held by the Board of Examiners at such place and on such dates as may be notified by the Secretary of the Board from time to time in the Official Gazette.

19. Examination for granting certificates of competency as a Boiler Attendant shall be of two kinds *viz.* one for the award of First class certificate of competency as a Boiler Attendant and the other for the award of second class certificate of competency as a Boiler Attendant.

Postponement of Examination.

20. When a date fixed for the examination is declared a gazetted holiday or when for any unforeseen reason an examination cannot be held on the date fixed, the Chairman may fix some other day for holding the examination and the same shall be duly notified to the candidates for examination.

V. Certificate of Competency.

Classes of Certificates and capabilities of holders thereof.

21. Except as otherwise provided in these rules a Certificate of competency granted thereunder shall be of two classes. The certificate of the First Class shall qualify holder thereof to be in charge of a single boiler of any type or capacity or two or more boilers in a battery or of so many separate individual boilers, the total heating surface of which does not exceed 7,500 Sq. ft., provided that such boilers shall be situated within a radius of 75 ft. in the same premises and belong to one owner.

A certificate of Second Class shall qualify the hold[illegible] thereof to be in charge of a single boiler of any kind, [illegible] heating surface of which does not exceed 1,500 sq. [illegible]. A Second Class Boiler Attendant may, however, attend to a battery of boilers (not consisting of more than three connected boilers and not exceeding 1,500 Sq. ft. in the aggregate of total heating surface) provided he is assisted by the number of firemen considered necessary by the Chief Inspector of Boilers.

Exchange Certificate.

22. A person holding a certificate of competency as an Attendant granted by a Board of Examiners under the corresponding Rules in any other State shall on application, have the certificate endorsed for validity in the State of Mysore. Such endorsement shall be made by the Chairman of the Board of Examiners constituted under these Rules.

23. (1) Candidates for examination for certificate of competency shall pay the following fees which shall not except as otherwise provided in these rules be returnable:

		Rs.
Examination for 1st Class Certificate	...	15
Examination for 2nd Class Certificate	...	10
Duplicate Certificate	...	10

(2) All fees for examination for certificate of competency as an Attendant leviable under these rules shall be paid in such manner as the State Government may direct.

Refund of Fees.

24. Candidates once admitted to an examination under these rules shall not be entitled to any refund of fees. Where a candidate is unavoidably absent from the Examination on the date fixed, the Chairman of the Board of Examiners may allow him to appear without payment of a second fee at the next examination.

Fees of candidates found ineligible.

25. A candidate who has paid the examination fee that is found ineligible for an examination may apply within one year from the date of payment, for a refund of the fee, or he may be allowed to appear without payment of second fee at any subsequent examination held within one year from the date of payment of the fee; provided that he becomes eligible to sit for such subsequent examination.

VI. Application for Examination.

26. Every application for examination shall be in Form A appended to these rules. The applicant shall fill in such parts of the Form as are to be filled in by a candidate and shall sign the form in the presence of a Gazetted Officer or an Honorary Magistrate who shall attest his signature. The application so filled in shall be forwarded to the office of the Chairman of the Board of Examiners not later than one month before the date fixed for the examination and shall be accompanied by— **Form of Application.**

(*a*) originals and one copy each of all testimonials of both practical and theoretical experience of the candidate,

(*b*) testimonials of good character from his employer,

(*c*) a Treasury Chellan in support of payment of the fee specified in these rules for the examination at which the applicant wishes to appear,

(*d*) any certificate granted to the applicant under these rules or a certificate granted by a competent authority referred to in Rule 22, and

(*e*) two copies of recent of bust photographs (size 2″ × 2¼″) one of which shall bear the signature or the thumb impression of the applicant on the back.

27. No candidate shall be admitted to examination who cannot produce satisfactory testimonials certifying his experience, ability, sobriety and general good conduct for the whole period of his qualifying service. Any breaks in the period of qualifying service shall be accounted for. **Candidate to produce satisfactory testimoninals.**

28. A testimonial shall clearly state the capaicity in which the candidate was employed, whether as Boiler Attendant, Head fireman, Donkeyman or fireman and the periods of such employment stating the dates between which the candidate was so employed. **Essential Statements.**

29. A testimonial shall be signed by a responsible person by whom the candidate was employed and be countersigned by the Owner, Agent, Manager or Secretary of the Mill, Factory or Workshop or by such other persons as the State Government may specify in this behalf. **Signature and Counter-signature.**

30. A testimonial of service of boilers belonging to the Public Works Department or Local Bodies, shall be signed by a responsible officer under whom the candidate **Public Works Department Service.**

has directly served and countersigned by the head of the department concerned.

Doubtful Testimonials.

31. If the Secretary to the Board of examiners has reason to doubt the truth of any statement made in any application or testimonials, he may make such inquiries as he thinks fit to verify the same.

False Testimonials.

32. (1) If on inquiry the Secretary is satisfied that any testimonial submitted by a candidate is false in any material particular, he shall submit his findings to the Chairman of Board of Examiners who may by a written order debar such candidate from being admitted to any subsequent examination held under these rules. If, on the strength of any such testimonial, a candidate has already been admitted to an examination, he shall be deemed to have failed in such examination and any certificate granted to him as a result of his having been declared to have passed such examination, shall be forthwith recalled and be cancelled by a notification in the Official Gazette provided that before any Certificate is cancelled under this rule, the holder thereof shall be given a reasonable opportunity of being heard in the matter.

Filing of copies and return of original testimonials.

33. Applications and copies of testimonials submitted by candidates shall be filled in the office of the Chairman of the Board of Examiners. Original testimonials shall be returned to the candidates after the close of the examination.

VII. Age and Training.

Age and Training of Second Class.

34. A candidate for a certificate of competency as a Boiler Attendant of the second class shall not be less than 21 years of age and shall not be admitted to the examination unless he proves to the satisfaction of the Board of Examiners that he—

(*a*) has served for not less than three years in the capacity of a fireman or an assistant fireman on a steam boiler or a combined steam engine and boiler; or

(*b*) has served for not less than three years as an engine fitter where boilers and engines are repaired or made and worked under steam, one year at least of which he should have worked as an assistant fireman; or

(*c*) produces from the head of an industrial or technical institution a certificate stating that he has completed a three years' course of training, one year of

which must have been as an apprentice in a steam power plant of a mill or factory or an engineering workshop for the maintenance of boilers.

35. A candidate for a certificate of competency as a boiler attendant of the first class shall not be less than twenty-one years of age and shall not be admitted to the examination unless he possesses a certificate of the second class and in addition thereto— Age and Training of First Class Candidates.

(*a*) has served for not less than two years as a boiler attendant with second class certificate of competency in sole working charge of a boiler whose rated heating surface is not less than 500 sq. ft. or

(*b*) produces from the head of an industrial or technical institution a certificate stating that he has completed a three years' course of training, one year of which must have been as an apprentice in a steam power plant of a mill or factory or an engineering workshop where engines and boilers are repaired or made and in addition has served for not less than two years in sole working charge of a boiler of not less than 500 sq. ft. of heating surface with a second class Boiler Attendants' Certificate.

36. Notwithstanding anything to the contrary contained in rules 35 and 36, the State Government may empower the Chairman, Board of Examiners, *to admit in his discretion* any candidate to an examination under those rules, if he so thinks fit. Service not in strict conformity with rules.

VIII. Examination Subjects.

37. A candidate, in order to be qualified for a certificate of competency of the second class, shall *inter alia* satisfy the examiners that— Second Class Boiler Attendants.

(*a*) he clearly understands—

(i) the working and management of a steam boiler and economiser;

(ii) the use and purpose of the various valves, cocks, mountings and fittings;

(iii) the precautions to be taken and procedure to be observed before starting fires and when raising steam;

(iv) the use of a foot pump and injector;

(v) the reading of the pressure gauge;

(vi) the need for periodical cleaning and pure water supply and for prevention of scale or other deposits on heating surfaces;

(vii) the need for periodical inspection of boilers and the manner in which they should be prepared for thorough inspection, hydraulic test and steam test;

(viii) the precautions to be taken before entering or allowing any person to enter a boiler that is connected to another boiler under steam;

(ix) the use of the best means of firing for the prevention of smoke;

(x) the danger of water lodging in steam pipes and the precautions to be observed in draining;

(xi) the procedure to be followed in the event of shortage of water, bulging or fracture of furnaces or flat plates or bursting of tubes or of any accident to a boiler or steam pipe;

(xii) precautions to be taken when starting an economiser to work after a period of rest;

(xiii) procedure to be adopted in bringing an economiser into commission and also to putting it out of commission while the boiler is on steam; and that

(*b*) he is able, *inter alia*—

(i) to stoke a boiler including cleaning and banking fires in a workmanlike manner;

(ii) to show how avoidable smoke may be prevented;

(iii) to blow through and test the correctness of water-gauge glasses and test cocks;

(iv) to replace a gauge glass and show how a false water level might be shown;

(v) to ease a safety valve and use a blow down cock or valve;

(vi) to adjust a high steam and low water safety valve and renew a fusible plug;

(vii) to pack pump or valve chest glands;

(viii) to grind and adjust cocks and valves;

(ix) to take a feed pump or injector to pieces and replace in working order;

(x) to handle the appliances provided for keeping the economisers clean.

38. A candidate in order to be qualified for a certificate of competency of the first class, shall satisfy the examiners that in addition to the subjects specified for candidates for certificate of competency of the second class, he has at least a rudimentary knowledge of the principal elementary facts relating to combustion, heat and steam; and that he is able to explain *inter alia*— First Class Boiler Attendant.

(i) the principal causes and effects of corrosion and incrustation and the usual remedies employed;

(ii) the object of the use of water softeners;

(iii) the principles on which feed pumps and injectors work;

(iv) the principles on which appliances for the prevention of smoke work;

(v) the purpose of super-heaters, economisers, feed heaters, feed filters, forced and induced draft appliances and mechanical stokers.

IX. Mode of Examination.

39. The examination shall be conducted orally, but any candidate may, if he desires, write his answers to such written questions as may be given to him by the examiners. Examination in writing optional.

40. If the Board of Examiners consider necessary, the examination may be held either in a factory or mill or in a workshop in which boilers are used or partly in such factory, mill or workshop and partly in the examination room where models and sketches of boilers may be kept for *viva voce* test. Examination where held.

X. Grant of Certificate.

41. If a candidate passes the examination the result will be notified in the Official Gazette and he shall be granted a certificate in accordance with the class in which he passed as soon as practicable after the close of the examination. Grant of certificate of competency and proficiency.

42. Certificates of competency in class I and II as a Boiler Attendant under rule 21 shall be in Forms B and C respectively appended to these rules. Form of certificat e.

43. No certificate of the first class shall be granted to the holder of a second class certificate after examination under these rules unless and until he has surrendered to the Chairman the certificate of the lower grade. Surrender of lower grade certificate.

Application for exchange certificate.

44. An application for the award of a certificate of competency as a Boiler Attendant shall be in Form A appended to these rules.

Record of duplicate certificate

45. Duplicates of all certificates granted under these rules shall be recorded in the office of the Chairman.

Identification requirement.

46. Every certificate granted under these rules shall bear a bust photograph of the holder thereof previously submitted along with his application under rule 26 and his signature or thumb impression and such other particulars as may be required for the purpose of indentification.

Grant of duplicate certificate.

47. Whenever the holder of a certificate proves to the satisfaction of the Chairman of the Board of Examiners that certificate granted to him under these rules has been lost, stolen or destroyed or mutilated without any fault on his part, he shall be granted a duplicate certificate to which by the record so kept as aforesaid, he appears to be entitled, which shall have for all purposes the same validity as the original certificate.

If on enquiry the Secretary to the Board of Examiners, is satisfied that any statement made by the applicant for the issue of a duplicate certificate is false he shall report the case to the said Board at its next meeting, and the Board may at its discretion cancel the certificate or permit the grant as aforesaid of a duplicate certificate either immediately or after such period not exceeding twelve months as the Board may think fit having regard to the circumstances of each case.

Application for duplicate certificate.

48. Application for a duplicate certificate shall be lodged with the Chairman to the Board of Examiners with a declaration sworn before a Gazetted Officer or an Honorary Magistrate stating that the certificate granted under these rules, has been lost without fault on the part of the applicant.

Invalidity of original certificate.

49. On the issue of a duplicate certificate, the original certificate shall cease to be valid, and shall if in the possession or power of the holder thereof be returned to the office of the Chairman for cancellation.

Enquiry regarding certificate holders and suspension of certificate.

50. (i) If a District Magistrate or the Chairman of the Board of Examiners has reason to believe from any cause whatsoever, that an enquiry should be made into an allegation of incompetence, drunkenness, misconduct or negligence on the part of an attendant holding a certificate

of competency under these rules, they shall either themselves make such enquiry or cause it to be made by their subordinate officers. The District Magistrate may depute a Magistrate of the first class and the Chairman of the Board of Examiners, an Inspector of Boilers duly authorised by him to hold such enquiry.

(ii) The holder of such certificate shall, on demand by the officer charged with the enquiry forthwith, place in the hands of such officer his certificate to abide by the result of such enquiry.

(iii) The proceedings shall be held in the presence of the person whose conduct forms the subject of enquiry and he shall have an opportunity of making any statement he may wish to make and of producing any evidence in his defence.

(iv) The proceedings of any such enquiry shall be forwarded by the officer conducting the enquiry, where he is not the Chairman of the Board, to the Secretary to the Board of Examiners, for consideration of the Board.

Submission of proceedings before the Board.

51. The Secretary to the Board of Examiners shall submit the proceedings sent under sub-rule (iv) of rule 50 before the Board at its next meeting and the Board of Examiners at its discretion, may allow the certificate to stand or may cancel the certificate permanently or suspend it for such period as it thinks fit.

XI PENALTY.

Cognisance of offences.

52. The owner of a boiler who works or permits or causes the boiler to be worked at any time in contravention of rule 2 shall be punishable with fine which may extend to Rs. 100.

Any person in charge of a boiler or any other person who works the same or permits or causes it to be worked in contravention of rule 4, 5, 6 shall be punishable with fine which may extend to Rs. 100.

Division III—Declaration to be made by the applicant.

I do hereby declare that the statements made in Divisions I, II and III of this form are correct and true to the best of my knowledge and belief; and that the papers enumerated in Division III and submitted with this form are true and genuine documents and further that the copies of the documents submitted with this form

are true and correct. I further declare that the Statements made in Division III contain a true and correct account of the whole period of my service without exception, and I make this declaration conscientiously believing the same to be true.

Dated at this day of 19

Signed in the presence of—

Signature : .....

Designation : .....

Signature of the applicant.

Present address : .....

.....

.....

Note.—(1) Every application must be accompanied by a treasury challan showing that the fee for the examination has been paid.

(2) Two copies of a recent bust photograph of the applicant (size 2"×2¼") be accompanied with the application with applicant's signature on the back thereof.

(3) Any person making false statement for the purpose of admission to the examination renders himself liable to prosecution.

(4) Incomplete applications are liable to be rejected.

FORM A.

Registered No.....

(*See* rules 26 and 44 of the Boiler Attendants' Rules, 1952)

INDIAN BOILERS ACT, 1923 (ACT V OF 1923).

Application for Certificate of Competency as Boiler Attendant.

DIVISION I—Name, etc., of the applicant.

Name in full	Nationality	Date of birth	Place of birth	Permanent address	Nature of Certificate	Grade of certificate applied for	Whether appeared in any previous examinations	If so, when and where
1	2	3	4	5	6	7	8	9

DIVISION II—Particulars of all previous certificates (if any) issued in India.

Number of certificate	Class of certificate	Where issued	Date of issue	If at any time suspended or cancelled, if so, state by whom	Date	Causes of suspension or cancellation
1	2	3	4	5	6	7

DIVISION III—LIST OF TESTIMONIALS AND STATEMENT OF SERVICES.

(The testimonials to be numbered consecutively according to the number given in column 1 below)

Number of testimonials (if any)	Date of each testimonial	Name of person signing each testimonial	Address and Designation of factory or workshop where employed	Number, type and heating surface of boilers.	Capacity in which employed	Service of applicant					Initial of verifier	Remarks
						Date of commencement	Date of termination	Time employed in this service			To be filled by the Board	
								Year	Month	Days		
1	2	3	4	5	6	7	8	9	10	11	12	13
Total service												
Time served for which certificates are produced												
Time served for which no certificates are produced												

FORM B.

.....Government.

First Class Boiler Attendant Certificate of Competency

Granted under the Indian Boilers Act, V of 1923.

No.....of 195 .

Shri.....aged about..... years, at present residing at.....having satisfied the Board of Examiners appointed under the above Act of his competency to fulfil the duties of First Class Boiler Attendant is granted under the Boiler Attendance Rules, 1952, this Certificate of Competency as a First Class Boiler Attendant authorising him to have charge of a single boiler of any type or capacity, or two or more boilers in a battery or separated, the total heating surface of which does not exceed 7,500 square feet, provided that such boilers shall be situated within a radius of 75 feet in the same premises and belong to one owner.

Dated, at.....this.....day of.....195 .

Secretary to the Board of Examiners.

Chairman to the Board of Examiners.

PHOTO

DESCRIPTIVE ROLL

1 Date and place of birth ... .
2 Address ... ...
3 Nationality and religion ... .
4 Height without shoes ... .
5 Marks of identification ... .
6 Left thumb impression ... .
7 Signature ... ...

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FORM C

.....Government

Second Class Boiler Attendant Certificate of Competency.

Granted under the Indian Boilers Act, V of 1923.

No.....of 195 .

Shri.....aged about..... years, at present residing at.....having satisfied the Board of Examiners appointed under the above Act of his competency to fulfil the duties of Second Class Boiler Attendant is granted under Section 29 (*d*) of the said Act this Certificate of Competency as a Second Class Boiler Attendant authorising him to have charge of a single boiler of any type the heating surface of which does not exceed 1,500 square feet.

Dated at.....this.....day of .....195 .

Secretary to the Board of Examiners.

Chairman to the Board of Examiners.

PHOTO

DESCRIPTIVE ROLL

1 Date and place of birth ... .
2 Address ... ...
3 Nationality and religion ... .
4 Height without shoes ... .
5 Marks of identification ... .
6 Left thumb impression ... .
7 Signature ... ...

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THE DRAFT ECONOMISER INSPECTION ADMINISTRATIVE RULES 1952.

CHAPTER I.

1 *Short title.*—These rules may be called the Mysore Economeser Rules.

2 *Definitions.*—In these rules unless the context otherwise requires.

(*a*) "Act" means the Indian Boilers Act, 1923 (V of 1923);

(*b*) "Section" means a section of the Act; and

(*c*) "Regulation" means a regulation of the Indian Boiler Regulations, 1950 made by the Central Boilers Board under Section 28 of the Act.

Costs and Penalties.

3 *Payments of fees, etc.*—All fees payable under these Rules or the Act shall be paid in such manner as the State Government may from time to time specify.

4 *Registers.*—(1) The Chief Inspector shall keep in his office.—

(*a*) a register of all economisers registered in the State;

(*b*) the Registration Books and Memorandum of Inspection Books in respect of all economisers booked in such register;

(*c*) a Register of appeals;

(*d*) a Register of accidents; and

(*e*) a register of registration and inspection fees received.

(2) The register maintained under clause (*a*) of sub-rule (1) shall consist of two parts. In Part I shall be entered the economisers registered in the State and in Part II shall be entered the economisers transferred from another State.

5 *Inspections at Special times.*—No examination of an economiser shall be made by an Inspector for the purpose of registering or issuing a certificate for an economiser on a Sunday or a Gazetted Public Holiday or between the hours of sunset and sunrise without the specific

orders of the Chief Inspector, in each case. In such cases an extra fee equal to the usual fee for the registration or inspection of the economiser as the case may be, shall be charged and such extra fee shall be paid to the Inspector.

6 *Attendance during hearing of appeals.*—Under orders of the Chief Inspector, Inspectors shall attend before the Chief Inspector or the Appellate Authority, during the hearing of appeals with regard to economisers under their charge.

CHAPTER II.

PROCEDURE FOR REGISTRATION.

7 *Receipt of applications.*—Applications for registration shall be made under sub-section (1) of section 7 to the Inspector of the local area in which the economiser is situated and shall be accompanied by a receipt of the fee prescribed under the Regulation.

8 *Procedure on transfer of an economiser unit or part of a unit.*—Whenever an economiser is transferred from another State into the State of Mysore the owner shall, apply under clause (*b*) of section 6 to the Chief Inspector for the registration of the transfer; the economiser shall not be used until registration has been effected. No fee shall be charged for recording such transfer.

9 (*a*) *Entry of transferred economiser unit in Register.*—On receipt of the Registration and Memorandum of Inspection Books, the Chief Inspector shall enter the economiser unit under its original number in Part II of the register, kept for the purpose.

(*b*) When parts of two or more units are assembled to form one unit, the original numbers shall be cancelled and the newly built up unit shall be given a fresh number.

10 *Note of transferred and dismantled economisers.*—Whenever an economiser or part of an economiser has been transferred to another State or broken up, the fact shall be noted in the register. In the case of an economiser which has been condemned, the Registration Book and the Memorandum of Inspection Book shall contain an entry to that effect.

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CHAPTER III.

Procedure for Inspection.

11 (*a*) *Procedure at inspection: Internal inspection of economiser chamber*:—Detailed instructions for the inspection of economisers are contained in Chapter XI of the Regulations. The following general procedure at inspection should be observed:—

At a thorough inspection of an economiser, the Inspector should wherever possible have either the steel casing doors open or the brick work completely removed on the outer side of the economiser chamber to enable him to make a thorough examination of the external surfaces of the tubes. But before doing so, he should satisfy himself that proper provision has been made to isolate the economiser on the gas side as well as on the water connections of the boiler and from any other working economiser.

Should the Inspector find that the economiser has not been disconnected on the feed line or is not sufficiently sealed on the gas side or is unreasonably hot or not properly cleaned or sealed, he should decline to proceed with the inspection and report the facts to the Chief Inspector for orders under sub-section (2) of Section 14.

When an economiser chamber is of such a size or its construction is such that the Inspector cannot go inside, reasonable provision should then be made for the external examination of the principal parts. If for any reason the Inspector cannot examine it he should report the facts to the Chief Inspector for orders.

Preparation for Hydraulic Test.—The chests of all mountings subject to water pressure shall be in place and shut tight or blank flanged. The relief valve shall either be secured or removed and the chest opening blank flanged. The attachment* for the Inspector's pressure gauge and the nipple** for connecting the Inspector's test pump hose shall be in order. All caps shall be properly fitted and tightened up. The economiser shall be completely filled with water, care

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Note:—The last certificate for the economiser should be shown to the Inspector.

* Tapped ¾" Whitworth bolt and nut thread.

** Tapped 7/8" Whitworth bolt and nut thread.

being taken to allow all air to escape and, if possible, a preliminary test not exceeding the working pressure of the economiser shall be taken before the Inspector's visit to test the tightness of the joints. When an economiser is hydraulically tested for the first time, it shall be offered entirely bare, at subsequent tests, lagging or brickwork, or portions therefor, shall be removed if required by the Inspector.

(*b*) Hydraulic tests of economiser at subsequent examinations shall except when the Inspector expressly requires otherwise, be made after the inspection. The test pressure to be applied to economisers at such subsequent examinations shall be from one and a quarter to one and a half times the working pressure of the economiser.

12. External inspection of Economiser.—After the economiser has been cleaned the Inspector shall make a thorough examination so far as its construction permits. The external condition of the tubes should be carefully noted for wasting especially at the feed inlet end and all accessible tubes should be calipered. The internal surfaces of cast iron tubes should be closely observed for graphitic wastings as far as it is possible and in the event of any failure these should be broken up for scrutiny so that the general internal condition of the other tubes may be estimated.

(*b*) Where tubes or other parts are wasted, the strength should be re-calculated;

(*c*) The scraper gear should be examined to note if any parts are missing, if the length of travel is adequate and if the scrapers are correctly adjusted.

(*d*) All cap bolts are to be inspected, also the condition and position of the dampers and baffler.

* (*e*) The record of each inspection and calculations will be entered in the Memorandum of Inspection Book.

13. *Casual Inspection.*—The Inspector shall note if the economiser is working satisfactorily and especially in accordance with Regulation 531 of the Indian Boiler Regulations, 1950. Particular note should be taken of the water temperature to see that the temperature of hot

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* When an economiser chamber is of such a size or its construction is such that the Inspector cannot go inside, reasonable provision should then be made for the external examination of the principal parts. If for any reason the Inspector cannot examine it he should report the facts to the Chief Inspector for orders.

water in the economiser is 20° to 50° lower than the boiler steam temperature.

14. *Proposals for reduction of pressure.*—When the Inspector decides that an economiser in one or more of its parts is no longer fit for the pressure approved for it he should, without delay, report his proposals for reducing the pressure to the Chief Inspector.

15. *Repairs to Economisers.*—(*a*) No pressure parts in a cast iron economiser shall be permitted to be repaired by welding.

(*b*) Castings shall not be repaired or welded without the specific sanction of the Inspecting Officer. If required, the castings shall be suitably re-heat-treated to remove internal stresses. Should a defect impair the strength of the casting, repair by welding or otherwise shall not be permitted.

16. *Entries in Memorandum of Inspection Books.*—An Inspector shall, after an inspection, make the necessary entries in the Memorandum of Inspection Book for the economiser and submit the book to the Chief Inspector. Inspection notes should briefly state:—

(*a*) the extent which economisers were cleared of brick-work, lagging or concealing parts;

(*b*) the general condition of the economiser; and

(*c*) parts requiring attention or repair and if special preparation is required at the next inspection.

Inspectors should also note in the Memorandum of Inspection Book all casual visits for inspection of feed pipes, visits for inspection of repair, inquiry into accidents and other like matters.

17. *Entries in certificates.*—In addition to the entries required to be made under Regulation 530 in a certificate for an economiser, the Inspector should state in the remarks column his requirements, if any, with regard to hydraulic test, removal of lagging, brickwork or other concealing parts for the next inspection to enable the owner to have the same properly prepared at that time. He should also state in the same place his requirements regarding the repair or renewal of any part that may be considered fit only for the period of the certificate.

In the repairs column, should be entered the year of repair and description of repair effected. Only important repairs should be noted.

18. *Engraving of registry number.*—Paper slips of the proper size bearing the registry number allotted for the economiser will be supplied by the Chief Inspector. The engraving of the registry number should be made as prescribed in Regulation No. 534.

19. *Arranging for Inspections.*—In arranging for inspections and hydraulic tests ample notice of not less than 30 days should be given to the owner. The notice required by sub-section (2) of Section 7 and sub-section (4) of Section 8 shall be sent in Form E.

20. *Issue of Certificate and provisional Order.*—In cases which the Inspector is empowered to issue a certificate under Section 8 without further reference, the certificate should ordinarily be issued within 48 hours of the completion of the inspection. Where he proposes to issue a provisional order pending the issue or refusal of the certificate, the Inspector must satisfy himself that the economiser is fit to be worked at the maximum pressure and for the period entered in the provisional order. The fact of issue of a provisional order must be reported immediately to the Chief Inspector.

21. *Forms of provisional Orders and Certificates.*—Provisional Orders and Certificates are prescribed in Form X and XI, respectively, of the regulations.

The period specified in any provisional order or certificate shall begin on the day on which the enabling thorough inspection or hydraulic test is completed. Where a certificate supersedes a provisional order during the period of its currency the period of the certificate shall be retrospective and shall begin from the same date as that of the provisional order.

22. *Duplicate Certificate.*—A duplicate of any certificate granted under Section 7 or Section 8 which for the time being in force shall be granted by the Chief Inspector on the application of the owner of the economiser if the Chief Inspector is satisfied that the duplicate is required for a *bona fide* purpose and the fee prescribed under Rule 28 is paid.

23. (*a*) *Registration Fees.*—Fees for registration of economisers are prescribed in Regulation 533 of the Regulations.

(*b*) *Fees for Inspection.*—Fees for inspection shall be calculated on the basis of economiser rating as shown below:—

For Economiser rating not exceeding			...	40
For Economiser rating exceeding	500	but not exceeding	1,000	50
Do	1,000	do	1,500	60
Do	1,500	do	2,000	70
Do	2,000	do	2,500	80
Do	2,500	do	3,000	90
Do	3,000	do	3,500	100
Do	3,500	do	4,000	110
Do	4,000	do	4,500	120
Do	4,500	do	5,000	130
Do	5,000	do	...	140

Provided that when any owner is willing to accept a renewed certificate for less than 24 months in order to approximate the date of annual inspection to the date on which other economisers in the locality are inspected, a certificate for such periods being less than 24 months as may be necessary for such approximation of dates may be granted at a reduced fee to be calculated at one-twenty-fourth of the ordinary fee for each full month, fraction of a month not being reckoned.

24. *Fee to cover inspection and test.*—A fee paid for the inspection of an economiser shall cover thorough inspection and hydraulic test subject to the provision of sub-section (2) of Section 14.

25. An extra fee may be levied for re-inspection in any case where the inspection of an economiser is begun but owing to the fault or neglect of the person in charge is not completed within a period of six months from the date of commencement of inspection provided that no extra fee shall be levied except with the sanction of the Chief Inspector.

26. *Special fee for inspections out of Session.*—For inspections carried out on application within thirty days of the expiry of a certificate, no travelling and halting charges of the Inspector and staff shall be leviable. In cases where the owner requires the inspection at a date earlier than thirty days from the expiry of a certificate, the Chief Inspector may in addition to the inspection fee, charge the travelling and halting charges from the owner of the economiser. If an owner applies for inspection after the expiry of his certificate shall be liable to pay the

travelling allowance and halting allowance of the Inspector at the discretion of the Chief Inspector.

If the inspection is carried out at the request of the owner, at a time other than the specified one to suit the convenience of the owner, the travelling charges of the Inspector shall be realised from the owner.

27. *Fee for copy of registration books.*—For each copy Rs. 5.

28. *Duplicate certificate fees.*—Fees for duplicate certificates under Rule 22—Rs. 3.

29. *Refund of fees.*—Fee paid in excess and fee paid for an inspection which for any reason not due to any fault or omission of the owner or person in charge of the economiser has not been made, shall be refunded or adjusted if applied for within one year from the date of payment.

CHAPTER IV.

ACCIDENTS.

30. *Investigation of accidents.*—On the receipt of a report of an accident to an economiser or feed-pipe under Section 18, the Inspector shall with the least possible delay, proceed to the place to investigate the accident. If the report is received by the Chief Inspector he should forward it at once to the Inspector within whose jurisdiction the accident had occurred for necessary action.

31. *Procedure during inquiry.*—The Inspector at his inquiry shall make a careful examination of the damaged parts, and shall take such measurements and make such sketches for the purpose of his report, as he may deem necessary. He shall inquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent, the injury caused to persons and the damage done to property. The report should be in Form C and should be sent forthwith to the Chief Inspector. If the Chief Inspector considers that the investigation has been sufficient, he will record the facts in the register of accidents and enter a brief account of the accident in the Registration Book a copy being made in the Memorandum of Inspection Book. If, however, the accident is of a serious nature and in all cases in which an explosion has occurred, the Chief Inspector shall, after receipt of the Inspector's report, proceed to investigate the accident personally.

32. *Power to hold inquiry in writing.*—Inspectors are authorised to take the written statements of witnesses and all persons immediately concerned with the accident. In order to comply with the provisions of sub-section (2) of the Section 18, the Inspector shall present to the owner or person in charge of the economiser a series of written quotations on all points that are natural to the enquiry.

33. *Use of economiser after accident.*—The Inspector shall decide whether the use of the economiser can be permitted at the same or at a lower pressure without repairs or pending the completion of any repairs or alterations that he may order. In no case shall he issue a provisional order or renewal certificate, until his orders have been carried out.

34. *Reference in Annual Report.*—A brief account of all accidents, their causes and remedial measures taken shall be included in the Chief Inspector's Annual Report.

35. *Unreported accidents.*—If in the course of an inspection or at any other time, the Inspector discovers damage which comes within the definition of an accident, but which has not been reported he should report the facts at once to the Chief Inspector for action.

CHAPTER V.

APPEALS.

36. *Filing of appeals.*—Every appeal shall be made in writing either in English or in Kannada.

37. *Presentation of appeal.*—An appeal may be presented either personally or sent by registered post to the Chief Inspector.

38. *Form of appeal.*—The appeal shall be accompanied by the original order, notice or report appealed against, or by a certified copy thereof, or where no such order, notice or report has been made in writing, by a clear statement of the facts appealed against, the grounds of appeal and section under which the appeal is made.

39. *Fixing date for hearing.*—On receipt of an appeal, the Chief Inspector shall, if the appeal is to be heard by himself, at once fix a date for hearing the appeal and if it is to be heard by the appellate authority, obtain a date for the hearing of the appeal from that authority.

40. *Procedure before hearing.*—When the date for hearing has been fixed, the Chief Inspector shall at once issue a notice to the appellant stating the date for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence he must be present either in person or by authorised agent with his evidence on the date fixed. The notice shall be sent by registered post to such address as is entered in the petition of appeal.

41. *Presence of Inspector.*—In an appeal to the Chief Inspector, he shall decide whether the presence of the Inspector is necessary and shall issue orders, accordingly.

42. *Attendance of Witnesses* — The appellate authority shall have power to secure the attendance of witnesses and to make local inquiries under the provisions of the Code of Civil Procedure, 19 of (Act 5 of 1908).

43. *Ex-parte Decisions.*—In any appeal, if the appellant is not present on the date fixed, the appeal may be decided in his absence.

44. *Constitution of Appellate Authority.*—(1) The Appellate Authority shall consist of a Chairman, and three Assessors selected in each case from among the panel specified in Rule 45.

(2) The Chairman shall be a person who is or has exercised the powers of a District Judge or a District Magistrate.

(3) The Chairman shall hold office for such period as the State Government may specify in this behalf.

45. *Panel of Assessors.*—The State Government shall constitute a panel of Assessors who shall be fully qualified Mechanical Engineers.

46, *Remuneration of Assessors,*—An Assessor when selected on the appellate authority shall be paid—

(*a*) such fees as the State Government may from time to time, determine; and

(*b*) the travelling expenses actually incurred by him for attending an expiry under these rules.

47. *Attendance of Assessors.*—Where a date for an appeal before the Appellate Authority has been fixed, the Chief Inspector shall under the orders of the Chairman of the Appellate Authority arrange for the attendance of

three members of the panel of Assessors to act as Assessors.

48. *Costs in Appeals.*—(1) Where an appeal is dismissed the Appellate Authority may fix the costs of the appeal which shall be payable by the appellant.

(2) In any appeal where a local inspection is required the appellant shall deposit in advance the full costs of such inspection as determined by the Chairman of the Appellate Authority.

FORM A—*concld.*

.....Economiser Inspection Department.

Register of Economisers

7 (Rules 4, 9 and 10)

Registry No.	Type of Economiser	Economiser Rating	Name of Manufacturer	Year and place of construction	Date of Registration	Name of owner	Place where in use	Remarks (Transfers, etc.)
1	2	3	4	5	6	7	8	9

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FORM B.

INDIAN BOILERS ACT, 1923 (ACT V OF 1923).

Notice for Examination of Economiser under Sections 7 and 8

No. ..... of 195 .

Boiler Inspection Officer,

Dated ....., the .....195 .

To

.....

.....

.....

Gentlemen/Sir,

In reply to your application dated ..... you are hereby informed that Economiser Registry No. ....., at the above-named premises will be $\frac{\text{thoroughly examined}}{\text{Hydraulically tested}}$ by the Government Inspector on the ..... To enable the examination to be made, you are bound—

(*a*) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of you;

(*b*) to have the Economiser properly prepared and ready for examination in the prescribed manner; and

(*c*) in the case of an application for the registration of an economiser to provide such drawings, specifications, certificates and other particulars as may be prescribed. Voucher No. .....in acknowledgment of $\frac{\text{Bank}}{\text{Treasury}}$ Receipt No. .....for Rs. ..... accompanied.

Yours faithfully,

Chief Inspector of Boilers, ...*State.*

(*See* below for preparation required).

PREPARATION FOR EXAMINATION.

(*a*) Preparation for Inspection.

At each inspection the economiser shall be emptied and thoroughly cleaned internally and externally in the flues. All mountings shall be opened up and caps removed to permit.....adequate inspection.

Provision shall, if required by the Inspector, be made for the removal of casing or brickwork or other concealing part and for drilling of headers and tubes and for verifying the pressure gauge and relief valve dimensions and weights. All tubes, headers and flues-ways shall be swept clean.

Proper provision shall be made to isolate the economiser on the gas side as well as on the water connections of the boiler and from any other working economiser.

(*b*) PREPARATION FOR HYDRAULIC TEST.

The chest of all mountings subject to water pressure shall be in place and shut tight or blank flanged. The relief valve shall either be secured or removed and the chest opening blank flanged. The attachment* for the Inspector's pressure gauge and the nipple† for connecting the Inspector's test pump hose shall be in order. All caps shall be properly fitted and tightened up. The economiser shall be completely filled with water, care being taken to allow all air to escape and, if possible, a preliminary test not exceeding the working pressure of the economiser shall be taken before the Inspector's visit to test the tightness of the joints. When an economiser is hydraulically tested for the first time, it shall be offered entirely bare, at subsequent tests, lagging or brickwork, or portions thereof, shall be removed if required by the Inspector.

Preparation now required (*a*) and (*b*).

NOTE.—The last certificate for the economiser should be shown to the Inspector.
*Tapped ⅜" Whitworth Bolt and Nut thread.
†Tapped 7/8" Whitworth Bolt and Nut thread.

FORM C.

Report in to the investigation of the Accident to Economiser No. .....

To

The Chief Inspector of Boilers,

SIR,

In accordance with instructions I have held a preliminary inquiry into the accident and the circumstances attending it, to Economiser No. ....., and now make the following Report:—

(1) Date and place of Accident.
(*a*) Date of investigation.
(2) Names and addresses of Owners.
(3) Persons killed or injured.
(4) Names of makers of Economiser or Steam Pipe.
(5) Age of Economiser or Steam Pipe.
(6) Particulars of previous repairs with dates.
(7) The Economiser was last inspected on.....by.....
(8) Nature of Accident.
(9) Cause of Accident.
(10) General Remarks.

Date ..... *Inspector of Boilers*

REMARKS by the Chief Inspector of Boilers.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV

Section 2-D

RULES MADE BY THE HIGH COURT OF MYSORE.

THE HIGH COURT OF MYSORE AT BANGALORE.

Notification No. R. Dis. 17 of 1952-53, dated 11th September 1952.

Under the provisions of Part X of the Code of Civil Procedure Act V of 1908 and with the previous sanction of the Government the High Court hereby makes the following amendment to Rule 5 of Order XXVII of the said Code of Civil Procedure, *viz*:

Substitute the following for the existing Rule 5 of Order XXVII, Code of Civil Procedure, 1908:—

"5. The Court, in fixing the day for the Government to answer to the plaint, shall allow not less than three months' time from the date of summons for the necessary communication with the Government through the proper channel, and for the issue of instructions to the Government Pleader or recognised agent of the Government to appear and answer on behalf of the Government, and may extend the time at its discretion."

K. CHANDY,
Registrar-in-Charge.

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The Mysore Gazette

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PART IV

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 985—Legis. 4-52-37, dated Bangalore, 30th August 1952.

Ordered that the Reserve and Auxiliary Air Forces Act, 1952 (Central Act No. LXII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 22nd August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 22nd August 1952.

THE RESERVE AND AUXILIARY AIR FORCES ACT, 1952

(LXII OF 1952).

AN

ACT

to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith.

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.**—(*1*) This Act may be called the Reserve and Auxiliary Air Forces Act, 1952.

(*2*) It extends to the whole of India.

(3) This Chapter shall come into force at once, and the remaining provisions shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Air Force Reserve" means any of the Air Force Reserves raised and maintained under this Act;

(b) "competent authority" means an air officer or a committee consisting of two or more air officers appointed under section 3;

(c) "prescribed" means prescribed by rules made under this Act;

(d) all other words and expressions used herein and defined in the Air Force Act, 1950 (XLV of 1950), and not hereinbefore defined shall have the meanings respectively assigned to them by that Act.

3. Appointment of competent authority.—The Central Government may, by notification in the Official Gazette, appoint an air officer or a committee consisting of two or more air officers to perform all or any of the functions of the competent authority under this Act for such area as may be specified in the notification.

CHAPTER II

REGULAR AIR FORCE RESERVE

4. Constitution of Regular Air Force Reserve.—The Central Government may raise and maintain in the manner hereafter in this Chapter provided an Air Force Reserve to be designated the Regular Air Force Reserve which shall consist solely of persons transferred or appointed to it under section 5.

5. Recruitment to the Regular Air Force Reserve.—(1) The competent authority may, by general or special order, transfer to the Regular Air Force Reserve—

(a) any officer or airman of the Air Force who under the terms and conditions of his service is liable to serve in any Air Force Reserve if and when constituted;

(b) any officer or airman of the Air Force whose commission or engagement in the Air Force has been terminated before the commencement of this Act and who under the terms of his commission or engagement was liable to serve in any Air Force Reserve if and when constituted;

(c) any officer or airman who has served in the Air Force and has retired therefrom;

and any officer or airman so transferred shall be deemed to be a member of the said Reserve.

(2) The competent authority may, in such circumstances and subject to such conditions as may be prescribed, by special order, appoint to the Regular Air Force Reserve any member of the Air Defence Reserve or the Auxiliary Air Force raised and maintained under this Act, and where any such member is so appointed, he shall cease to be a member of the Air Defence Reserve or the Auxiliary Air Force, as the case may be, and shall as from the date of such appointment be deemed to be a member of the Regular Air Force Reserve.

(3) The competent authority may, for reasons which in its opinion are sufficient, cancel any order made under sub-section (1) or sub-section (2) and on the cancellation of such order the person in respect of whom the order had been made shall cease to be a member of the Regular Air Force Reserve.

6. Classes of persons in the Rugular Air Force Reserve.—Members of the Regular Air Force Reserve shall be divided into the following classes, namely :—

(a) general duties officers,
(b) ground duties officers, and
(c) airmen,

and every officer shall be entitled on transfer or appointment to the Reserve to hold the same rank as that which he last held in the Air Force, or the Air Defence Reserve or the Auxiliary Air Force, as the case may be, before such transfer or appointment.

7. Period of service.—(1) Every member of the Regular Air Force Reserve shall be liable to serve in the Reserve—

(a) if he is transferred to the Reserve under sub-section (1) of section 5, for the period of his Reserve liability ; and

(b) if he is appointed to the Reserve under sub-section (2) of section 5, for the remainder of the period for which he was liable to serve in the Air Defence Reserve or the Auxiliary Air Force, as the case may be :

Provided that the competent authority may require any such member to serve in the Reserve for such further period or periods not exceeding in the aggregate five years as it may think fit.

Explanation I.—For the purposes of this sub-section, "period of Reserve liability" in relation to any member of the Regular Air Force Reserve means the period for which under the terms and conditions of his service in the Air Force he was liable to serve in any Air Force Reserve if and when constituted.

Explanation II.—In computing the period of Reserve liability in relation to any member of the Regular Air Force Reserve whose commission or engagement in the Air Force was terminated before the commencement of this Act, the period which has elapsed between such termination and the date of such commencement shall be included.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable to serve in the Reserve after attaining the prescribed age.

8. Termination of service in the Reserve.—Every member of the Regular Air Force Reserve shall, on completion of the period of his service therein, cease to be a member of the Reserve.

CHAPTER III

AIR DEFENCE RESERVE

9. Constitution of Air Defence Reserve.—The Central Government may raise and maintain in the manner hereafter in this Chapter provided an Air Force Reserve to be designated the Air Defence Reserve which shall consist of persons deemed under the provisions of section 16 to be enrolled therein.

10. Classes of persons in the Air Defence Reserve.—Members of the Air Defence Reserve shall be divided into the following classes, namely :—

(a) general duties officers;
(b) ground duties officers ; and
(c) airmen.

11. Obligation to register.—(*1*) Every citizen of India who—

(*a*) holds or has held a public transport pilot's licence ("B" Licence) issued under the Indian Aircraft Rules, 1937, or

(*b*) has had not less than two hundred hours' experience of solo flying, including not less than thirty landings, or

(*c*) holds or has held a first class navigator's licence issued under the Indian Aircraft Rules, 1937, or

(*d*) has had at least four years' aviation experience during which at least six hundred hours shall have been spent in the air, not less than one hundred hours of such experience being experience of navigation in the air, or

(*e*) holds or has held a first class radio telegraph operator's licence issued under the Indian Aircraft Rules, 1937, or

(*f*) holds or has held a radio telephone operator's licence issued under the Indian Aircraft Rules, 1937, or

(*g*) holds or has held a licence as ground engineer in any of the categories A, B, C, D or X issued under the Indian Aircraft Rules, 1937, or

(*h*) is or was at ony time employed in connection with any aerodrome or in connection with the control and movement of aircraft, in such capacity as may be prescribed,

shall within the prescribed period correctly fill up, or cause to be filled up, to the best of his knowledge and belief the prescribed form, and sign and lodge it with the competent authority nearest to his usual place of residence or business:

Provided that nothing contained in this sub-section shall apply—

(*i*) to any person belonging to any of the classes specified in clauses (*a*) to (*f*), if he has attained the age of thirty-seven years; or

(*ii*) to any person belonging to any of the classes specified in clauses (*g*) and (*h*), if he has attained the age of fifty years.

(*2*) Without prejudice to the provisions contained in sub-section (*1*), the competent authority may, if it is satisfied that the provisions of that sub-section apply to any person, by order in writing, require that person to furnish within such time such particulars as may be specified in the order and such person shall within the specified time furnish correctly to the best of his knowledge and belief the said particulars to the said authority in such form and manner as may be prescribed.

12. Liability to be called up for inquiry.—Every person to whom the provisions of section 11 are applicable shall be liable to be called up for inquiry under section 13—

(*a*) if he belongs to any of the classes specified in clauses (*a*) to (*f*) of sub-section (*1*) of section 11 until he has completed his thirty-seventh year, and

(*b*) if he belongs to any of the classes specified in clauses (*g*) and (*h*) of the said sub-section, until he has completed his fiftieth year.

13. Calling-up for inquiry.—The competent authority may cause to be served on any person for the time being liable to be called up for inquiry under section 12 a written notice stating that he is called up for inquiry regarding his fitness for service in the Air Defence Reserve and requiring him to present himself to such person and at such place and at such time as may be specified in the notice and to submit himself to inquiry by the said person.

14. Medical examination.—Every person called up for inquiry under section 13 shall, if and when required by the competent authority, present himself for examination before such medical officer as may be directed by that authority and, for the purposes of such examination, shall comply with the directions of the medical officer.

15. Registration of persons considered fit for enrolment.—If, after such inquiry and medical examination as aforesaid, the competent authority considers a person fit for enrolment in the Air Defence Reserve, it shall inform him accordingly and enter his name and other prescribed particulars in a register maintained in such form and manner as may be prescribed.

16. Calling up for service.—The competent authority may cause to be served on any person whose name is entered in the register maintained in pursuance of section 15 a written notice stating that he is called up for service in the Air Defence Reserve and requiring him to present himself at such place and time and to such authority as may be specified in the notice; and the person upon whom the notice is served shall be deemed to be enrolled in the Reserve as from the day so specified.

17. Period of service.—(*1*) Every person deemed to be enrolled in the Air Defence Reserve shall be liable for service—

(*a*) if he belongs to any of the classes specified in clauses (*a*) to (*f*) of sub-section (*1*) of section 11, until he has completed his forty-second year;

(*b*) if he belongs to any of the classes specified in clauses (*g*) and (*h*) of the said sub-section, until he has completed his fifty-fifth year.

(*2*) Every such person, on attaining the age specified in sub-section (*1*), shall cease to be a member of the Air Defence Reserve.

CHAPTER IV.

AUXILIARY AIR FORCE.

18. Constitution of Auxiliary Air Force.—(*1*) The Central Government may raise and maintain in the manner hereafter in this Chapter provided an Air Force to be designated the Auxiliary Air Force.

(*2*) The Central Government may constitute such number of squadrons and units of the Auxiliary Air Force as it thinks fit and may disband or reconstitute any squadron or unit.

19. Classes of persons in the Auxiliary Air Force.—Members of the Auxiliary Air Force shall be divided into the following classes, namely :—

(*a*) general duties officers;
(*b*) ground duties officers; and
(*c*) airmen.

20. Officers of the Auxiliary Air Force.—The President may grant to such person as he thinks fit a commission as an officer in the Auxiliary Air Force with designation of rank corresponding to that of any commissioned officer in the Air Force.

21. Persons eligible for enrolment.—Any citizen of India may offer himself for enrolment in the Auxiliary Air Force and may, if he satisfies the prescribed conditions, be so enrolled on such terms as may be prescribed.

22. Period of service.—Every officer and every enrolled person shall, subject to any rules that may be made in this behalf under this Act, be required to serve in the Auxiliary Air Force for a period of five years from the date of his appointment or enrolment but may, after the completion of his period of service, volunteer to serve therein for further periods each of not more than five years' duration.

23. Termination of service.—The service of any officer or enrolled person in the Auxiliary Air Force may, at any time before the completion of his period of service, be terminated by such authority and under such conditions as may be prescribed.

24. Advisory Committees.—(*1*) The Central Government shall, as soon as may be after the commencement of this Act, constitute—

(*a*) for the whole of India, a Central Advisory Committee;
(*b*) for each State, a State Advisory Committee; and
(*c*) for every unit of the Auxiliary Air Force, a Unit Advisory Committee.

(*2*) It shall be the duty of the Central Advisory Committee to advise the Central Government on matters connected with the Auxiliary Air Force generally, of the State Advisory Committee to advise the Central Government on matters connected with the formation of squadrons or units in the State and squadrons or units already stationed in the State.

(*3*) The duties, powers and procedure of Advisory Committees and in particular the matters in respect of which the Advisory Committees may be called upon to give advice shall be such as may be prescribed.

CHAPTER V.

LIABILITY AND DISCIPLINE OF MEMBERS OF RESERVE AND AUXILIARY AIR FORCES.

25. Liability to be called up for service.—Every member of an Air Force Reserve or the Auxiliary Air Force shall, during the period of his service, be liable to be called up—

(*a*) for training for such period as may be prescribed and for medical examination,
(*b*) for service in aid of the civil power,
(*c*) for Air Force service in India or abroad.

26. Application of Air Force Act, 1950.—Every member of an Air Force Reserve or the Auxiliary Air Force shall, when called up for training, medical examination or for service under this Act, be subject to the Air Force Act, 1950 (XLV of 1950) and the rules made thereunder in the same manner as a person belonging to the Air Force and holding the same rank is subject to the said Act and rules and shall continue to be so subject until duly released from such training, medical examination or service, as the case may be.

CHAPTER VI.

MISCELLANEOUS.

27. Reinstatement in civil employ of persons required to perform service under this Act.—(1) It shall be the duty of every employer by whom a person called up under section 25 is employed to grant him such leave as may be necessary

and to reinstate him in his employment on the termination of the period during which he has been so called up in occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been so called up:

Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person, or if for any reason the reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the prescribed authority and that authority shall, after considering all matters which may be put before him and after making such further inquiry into the matter as may be prescribed, pass an order—

(*a*) exempting the employer from the provisions of this section, or

(*b*) requiring him to re-employ such person on such terms as that authority thinks suitable, or

(*c*) requiring him to pay to such person by way of compensation for failure or inability to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey the order of any such authority as is referred to in the proviso to sub-section (1), he shall be punishable with fine which may extend to one thousand rupees, and the court by which an employer is convicted under this section shall order him (if he has not already been so required by the said authority) to pay to the person whom he was failed to re-employ a sum equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so required to be paid either by the said authority or by the court shall be recoverable as if it were a fine imposed by such court.

(3) In any proceeding under this section it shall be a defence for an employer to prove that the person formerly employed did not apply to the employer for reinstatement within a period of two months from the termination of the period during which he was called up under section 25.

(4) The duty imposed by sub-section (1) upon an employer to grant leave to a person such as is described in that sub-section or to reinstate him in his employment shall attach to an employer who, before such person is actually called up under section 25, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section and such intention shall be presumed until the contrary is proved if the termination takes place after the issue of an order relating to that person under section 25.

28. Preservation of certain rights of persons called up for service.—When any person called up under section 25 has any rights under any provident fund or superannuation fund or other scheme for the benefit of employees maintained in connection with the employment he relinquishes, he shall continue, during the period for which he has been so called up and if he is reinstated, until such reinstatement under the provisions of this Act, to have in respect of such fund or scheme such rights as may be prescribed.

29. Pay and Allowances.—(1) Every member of an Air Force Reserve or the Auxiliary Air Force shall, during the period of training or active service, receive such pay and allowances as are admissible to an officer or airman, as the case may be, in the corresponding rank, branch or trade of the Air Force.

(2) Where any such member was in any employment immediately before he is called up for training under section 25, the employer shall, during the period of the

training, be liable to pay to him the difference, if any, between the pay and allowances which he would have received from the employer if he had not been called up for such training and the pay and allowances which he receives as such member while under training.

(3) If any employer refuses or fails to pay to any such member the difference in pay and allowances as provided in sub-section (2), such difference in pay and allowances may, on application by the member to the prescribed authority, be recovered from the employer in such manner as may be prescribed.

30. Penalties.—(1) If any person refuses or without lawful excuse (the burdon of proving which shall lie upon such person) neglects to comply fully with the requirements of sub-section (1) of section 11 or of any order made under sub-section (2) of that section or with the requirements of section 14, he shall be punishable with fine which may extend to five hundred rupees.

(2) If any person wilfully fails to comply with any notice issued under section 13 or section 16, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

31. Service of notice.—Any notice or order to be served on any person for the purposes of this Act may be sent by post to that person at his last known address or may be served upon him in such other manner as may be prescribed.

32. Competent authority to be public servant.—For the purposes of this Act every competent authority and where the competent authority consists of a committee of two or more air officers, every member of the committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

33. Power to Central Government to grant exemptions.—The Central Government may, for special reasons and subject to such conditions as may be prescribed, by order exempt any person from any obligation or liability under this Act or any particular provision thereof.

34. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the composition and strength of any Air Force Reserve ;

(*b*) the circumstances in which and the conditions subject to which any officer or airman may be transferred or appointed to the Regular Air Force Reserve under section 5 ;

(*c*) the age beyond which persons shall not be liable to serve in the Regular Air Force Reserve ;

(*d*) the form and manner in which the particulars required by sub-section (*2*) of section 11 shall be furnished ;

(*e*) the form and manner in which registers shall be maintained in pursuance of section 15, the particulars to be entered therein, and the correction or revision of such particulars from time to time ;

(*f*) the pay or allowances payable to persons called up for inquiry or medical examination under this Act ;

(*g*) the terms and conditions subject to which a person may be enrolled as a member of the Auxiliary Air Force ;

(*h*) the authority by which and the conditions subject to which the service of any officer or enrolled person in the Auxiliary Air Force may be terminated;

(*i*) the constitution and the duties, powers and procedure of Advisory Committees to be constituted under section 24;

(*j*) the period and manner of training of members of any Air Force Reserve and the Auxiliary Air Force;

(*k*) the manner in which and the conditions subject to which the rank of any member of an Air Force Reserve may be determined;

(*l*) the constitution of the authority for the purpose of section 27 and the manner in which such authority may conduct any inquiry under this Act;

(*m*) the authority to which an application under sub-section (*3*) of section 29 may be made and the manner in which the difference in the pay and allowances may be recovered under that sub-section;

(*n*) the manner in which any notice or order issued or made under this Act may be served;

(*o*) the conditions subject to which any person may be exempted from any obligation or liability under this Act or any particular provision thereof;

(*p*) any other matter which under this Act is to be, or may be, prescribed.

(*3*) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(*4*) All rules made under this section shall be laid for not less than seven days before Parliament as soon as possible after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

35. Amendment of sections 2, 4 and 31, Act XLV of 1950.—In the Air Force Act, 1950,—

(*i*) in section 2, for clause (*c*), the following clause shall be substituted, namely :—

"(*c*) persons belonging to the Regular Air Force Reserve or the Air Defence Reserve or the Auxiliary Air Force, in the circumstances specified in section 26 of the Reserve and Auxiliary Air Forces Act, 1952";

(*ii*) in section 4, for the words "the Indian Air Force Volunteer Reserve", wherever they occur, the words "any Air Force Reserve or the Auxiliary Air Force" shall be substituted;

(*iii*) in section 31, for the words "the Air Force Reserve" the words "any Air Force Reserve or the Auxilary Air Force" shall be substituted.

36. Repeal of Act XXXVI of 1939.—The Indian Air Force Volunteer Reserve (Discipline) Act, 1939, is hereby repealed.

K. Y. BHANDARKAR,
Secretary to the Government of India.

NOTIFICATION.

No. L.D. 996—Legis. 4-52-40, Bangalore, dated 3rd September 1952.

Ordered that the Code of Criminal Procedure (Second Amendment) Act, 1952 (Central Act No. LXIV of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 27th August 1952, be republished in the *Mysore Gazette*, for general information

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 27th August 1952.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) ACT, 1952

(LXIV OF 1952).

AN

ACT

further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Code of Criminal Procedure (Second Amendment) Act, 1952.

2. **Amendment of section 128, Act V of 1898.**—In section 128 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act), for the words and figures "the Indian Army, Navy or Air Force or a person subject to the Territorial Army Act, 1948" the words "the armed forces" shall be substituted.

3. **Amendment of section 129, Act V of 1898.**—In section 129 of the principal Act, for the words "military force" the words "the armed forces" shall be substituted.

4. **Amendment of section 130, Act V of 1898.**—In sub-section (1) of section 130 of the principal Act, for the words and figures "by military force, he may require any commissioned or non-commissioned officer in command of any soldiers in the Indian Army or of any persons subject to the Territorial Army Act, 1948, to disperse such assembly by military force", the words "by the armed forces, he may require any officer thereof in command of any group of persons belonging to the armed forces to disperse such assembly with the help of the armed forces under his command" shall be substituted.

5. Amendment of section 131, Act V of 1898.—In section 131 of the principal Act, for the words "any commissioned officer of the Indian Army may disperse such assembly by military force" the words "any commissioned officer of the armed forces may disperse such assembly with the help of the armed forces under his command" shall be substituted.

6. Amendment of section 132, Act V of 1898.—In section 132 of the principal Act,—

(*a*) in clause (*d*), for the words and figures "soldier, or person subject to the Indian Territorial Army Act, 1948" the words "soldier, sailor or airman in the armed forces" shall be substituted;

(*b*) in the proviso, for the words and figures "soldier in the Indian Army or any person subject to the Territorial Army Act, 1948" the words "soldier, sailor or airman in the armed forces" shall be substituted.

7. Insertion of new section 132A in Act V of 1898.—In Chapter IX, after section 132 of the principal Act, the following section shall be inserted, namely:—

'*132A. Definitions.*—In this Chapter,—

(*a*) the expression "armed forces" means the military, naval and air forces, operating as land forces and includes any other armed forces of the Union so operating;

(*b*) "officer," in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces and includes a junior commissioned officer, a warrant officer, a petty officer and a non-commissioned officer.'

K. Y. BHANDARKAR,
Secretary to the Govt. of India.

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NOTIFICATION.

No. L. D. 997—Legis. 4-52-41, Bangalore, dated 3rd September 1952.

Ordered that the Essential Supplies (Temporary Powers) Amendment Act, 1952 (Central Act No. LXV of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 27th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 27th August 1952.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT ACT, 1952

(LXV OF 1952).

AN

ACT

further to amend the Essential Supplies (Temporary Powers) Act, 1946.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1952.

2. Amendment of section 1, Act XXIV of 1946.—In section 1 of the Essential Supplies (Temporary Powers) Act, 1946 (hereinafter referred to as the principal Act), in sub-section (3), for the words and figures "thirty-first day of December, 1952" the words and figures "twenty-sixth day of January, 1955" shall be substituted.

3. Omission of section 2A, Act XXIV of 1946.—Section 2A of the principal Act shall be omitted.

K. Y. BHANDARKAR,
Secretary to the Government India.

NOTIFICATION.

No. L.D. 1002—Legis. 7-52-3, Bangalore, dated 8th September 1952.

Ordered that Order No. S.R.O. 1418, dated the 9th August 1952 of the President under article 263 of the Constitution establishing a Central Council of Health published in the *Gazette of India*, Part II, Section 3, dated the 16th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HEALTH.

ORDER.

New Delhi, the 9th August 1952.

S.R.O. 1418.—Whereas it appears to the President that the public interests would be served by the establishment of a Central Council of Health;

Now, therefore, in exercise of the powers conferred by article 263 of the Constitution the President hereby establishes a Central Council of Health (hereinafter in this Order referred to as the Council) and defines the nature of the duties to be performed by it and its organisation and procedure as follows:—

1. *Organisation of the Council*—

(i) The Council shall consist of the Union Minister of Health who will be its chairman and the State Ministers of Health who will be its members;

(ii) Expert and technical advisers to the Central Government and State Governments shall not be members of the Council and shall not have any right to vote when any decision is taken by it but shall, if so required by the Council, be in attendance at its meetings;

(iii) The Council shall have a secretarial staff consisting of a Secretary and such officers and servants as the Chairman may, with the approval of the Central Government, think fit to appoint.

2. *Nature of the duties to be performed by the Council*—

The Council shall be an advisory body and in that capacity shall perform the following duties, namely:—

(*a*) to consider and recommend broad lines of policy in regard to matters concerning health in all its aspects, such as the provision of remedial and preventive care environmental hygiene, nutrition, health education and the promotion of facilities for training and research;

(b) to make proposals for legislation in fields of activity relating to medical and public health matters, laying down the pattern of development for the country as a whole;

(c) to examine the whole field of possible co-operation on a wide basis in regard to inter-State quarantine during times of festivals, outbreaks of epidemic diseases and serious calamities such as earthquakes and famines and to draw up a common programme of action;

(d) to make recommendations to the Central Government regarding distribution of available grants-in-aid for Health purposes to the States and to review periodically the work accomplished in different areas through the utilisation of these grants-in aid; and

(e) to establish any organisation or organisations invested with appropriate functions for promoting and maintaining co-operation between the Central and State Health administrations.

3. *Procedure of the Council*—

The Council shall in its conduct of business observe the following procedure, namely:—

(a) the Council shall meet at least once in every year;

(b) it shall meet at such time and place as the Chairman may appoint in this behalf;

(c) five members (including the Chairman) shall form the quorum for a meeting of the Council;

(d) the Chairman shall preside at every meeting of the Council and in his absence from any meeting the members present shall choose some one of their number to preside;

(e) all questions which may come before the Council at a meeting shall be decided by a majority of votes of the members (including the Chairman) present at the meeting;

(f) in case of an equality of votes the person presiding shall have a second or casting vote;

(g) the Council shall observe in the conduct of its business such other procedure as it may, with the approval of the Central Government, lay down from time to time.

[No. F. 6-1/51-P.]

P. M. MENON, Joint Secy.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. C. 739—Co. 49-52-3, Bangalore, dated 12ht September 1952.

Ordered that the accompanying Notification No. S.C. (A)-4(137), dated the 30th July 1952, issued by the Government of India, Ministry of Commerce and Industry, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

R. J. REGO,

Secretary to Government,
Development Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 30th July, 1952.

NOTIFICATION.

No. S.C. (A)-4 (137).—The following general authorisation issued by the Iron and Steel Controller under clauses 3 and 4 of the Iron and Steel (Scrap Control) Order, 1943, is published for general information :—

"In exercise of the powers conferred on me under clauses 3 and 4 of the Iron and Steel (Scrap Control) Order, 1943, I hereby authorise the acquisition and disposal, within the Union of India of any quantity of the categories of scrap specified in the statement appended hereto, without any written order or authorisation. This relaxat on shall not affect the statutory selling prices of these categories,

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STATEMENT.

1. Fishplates—Defective (for heavy or light rails).
2. (Semis)—Defective Blooms over $4\frac{1}{2}$ sq.
3. Structurals, defective rejected and non-standard over 9 ft. long, of the following sections:—
   - (*a*) Joist $5'' \times 3''$ and heavier.
   - (*b*) Equal Angles $3\frac{1}{2}'' \times 3\frac{1}{2}'' \times \frac{1}{2}''$ and heavier.
   - (*c*) Unequal Angles $4'' \times 3'' \times 5/16''$ and heavier.
   - (*d*) Bulb Angles $6'' \times 3\frac{1}{2}''$ and heavier.
   - (*e*) Round Edged Flats 9″ and wider.
   - (*f*) Channels $5'' \times 2\frac{1}{2}''$ and heavier.
   - (*g*) Bearing Plates.
   - (*h*) Crossing Sleepers.
   - (*i*) Clutch Bars.
4. Rails, Wrought Iron—Used.

M. K. POWVALA,
Iron and Steel Controller.

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NOTIFICATION.

No. L.S. 3107—L.W. 157-52-8, dated Bangalore, 2nd September 1952.

Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the Management of the Tobacco Manufacturers (India), Ltd., Bangalore, and the Workers employed by them in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (*1*) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated 28th June 1952.

POINTS FOR DISPUTE.

1. Does the dismissal of Sri T. Parthasarathy, an employee of the Factory, amount to victimisation? Is he, therefore, entitled to re-instatement or any other relief and if so, to what relief?

2. In case it is considered that he should be re-instated, whether he should be paid wages and allowance, etc., from the date of dismissal to the date of re-instatement?

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 1004—Legis 6-52-42, dated Bangalore, 9th September 1952.

Ordered that Notification No. S. R. O. 1457, dated the 18th August 1952 of the Ministry of Labour amending S.R.O. No. 379, dated 25th February 1952, published in the *Gazette of India*, Part II, Section 3, dated the 23rd August 1952 be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 18th August 1952.

S.R.O. 1457.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following amendments shall be made in the Notification of the Government of India in the Ministry of Labour No. S.R.O. 379 dated the 25th February 1952, namely :—

In the Table annexed to the said notification,

(*a*) against S. No. 2 " Regional Labour Commissioner (Central) Ajmer " for the entry in column 2, the following entry shall be substituted, namely :—

" The States of Punjab, Patiala and East Punjab States Union, Ajmer, Rajasthan, Madhya Bharat, Himachal Pradesh and Bilaspur ";

(*b*) against S. No. 9 " Conciliation Officer (Central), Ajmer ", for the entry in column 2, the following entry shall be substituted, namely :—

" The States of Punjab, Patiala and East Punjab States Union, Ajmer, Rajasthan, Madhya Bharat, Himachal Pradesh and Bilaspur ";

(*c*) after S. No. 25 the following entry shall be added, namely :—

" 26 Assistant Labour Commissioner (Central), New Delhi. " The State of Delhi.

[No. LR. (201)].

S. NEELAKANTAM, Dy. Secy.

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NOTIFICATION.

No. L.S. 3252—L.W. 205-52-2, dated Bangalore, 9th September 1952.

Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the Workers and Management of the Kolar Brick-making Company, Marikuppam, Kolar Gold Fields, in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (*1*) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated the 28th June 1952.

POINTS OF DISPUTE.

1. Grant of bonus for the years 1950 and 1951,
2. Amending Rule 11 of the Provident Fund Rules so as to permit advance of loans from the Funds.
3. Payment of wages for the strike and lock-out period.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

ELECTION TRIBUNAL.

DISTRICT JUDGE'S COURT BUILDING, SHIMOGA.

Notification No. 1 of 1952-53.

In pursuance of the provision of sub-section (1) of Section 90 of the Representation of the People Act, 1951 (XLIII of 1951), the following Election petition presented under Section 81 thereof is published for information.

B. R. RAMALINGAIAH,
Chairman.

Dated 17th September 1952.

TO THE ELECTION COMMISSION OF INDIA, NEW DELHI

Election Petition No. —1952.

(relating to the election held on 4th January 1952 to the Mysore Legislative Assembly in the Tarikere Constituency).

PETITIONER.

T. C. Basappa, B.A., son of B. Chandappa, Timber Merchant, Tarikere.

Versus.

RESPONDENTS.

1. T. Nagappa, son of M. Thimmiah, Timber Merchant and Landlord, Tarikere.
2. Chandrasekharappa, Advocate, Tarikere.
3. T. V. Narasingappa, son of Venkatarayappa, Landlord, Tarikere.
4. Nadig Phaniappa, Landlord, Maruthi Street, Tarikere,
5. B. Maheswarappa, son of Nagappa. Chairman, Taluk Development Committee, and Landlord, Anuvanahalli, Shivane Hobli, Tarikere Taluk.
6. H. M. Lingamariappa, Landlord, Hanusaghatta, Amruthapur Hobli, Tarikere Taluk.
7. D. H. Haralappa, son of Haralappa, Landlord and President, Town Municipal Council, Tarikere.
8. T. H. Thimmiah, Landlord, son of Hanumanthiah, Tarikere.
9. G. H. Hanumiah, son of Hanumiah, Landlord, Tarikere.

Under Sections 80, 81 and 83 of the Representation of the People Act, 1951, the Petitioner abovenamed states as follows :—

(1) The Petitioner herein was a duly nominated candidate at the Election detailed in the cause title and is entitled to present this petition to question the election of T. Nagappa, the first respondent herein. The declaration of his election was published in the Mysore Gazette Extraordinary on 11th February 1952. The lodging of his return of his Election Expenses and Declaration was published in another Mysore Gazette Extraordinary dated 31st March 1952.

(2) Respondents 2 to 4 herein were the other candidates who contested at the said Election, along with the petitioner and the first respondent. Respondents 5 to 9, though naminated for Election, withdrew their candidature. By way of abundant caution they are also impleaded as party respondents to this petition.

(3) At the counting of votes which took place on 26th January 1952 the petitioner was declared to have got 8,059 votes as against 8,093 votes which the first respondent was declared to have got. The 2nd, 3rd and the 4th respondents were declared to have got 6,239, 1,644 and 1,142, respectively.

(4) The petitioner avers that though it had been stated and published by the concerned election authorities, as required, that the polling at the said election would commence at 8 A.M. the polling did not actually commence until about half an hour later at Booth No. 1 for Ajjampur Town fixed at Ajjampur Municipal Office which was one of the Polling Centres for the Constituency for which the election took place (it may be mentioned here that the report of the Presiding Polling Officer, as the Petitioner understands, specifies that the work of polling had actually to commence at 8-25 A.M.) On account of the infringement of the rules relating to the time of commencement of the poll many voters, who would have voted for the petitioner had to return as they had other pressing work to attend to which brooked of no delay.

(5) Though the rules are peremptory that the seals on the ballot boxes shall be secure and intact, in particular at the said polling booth the seals were not intact. Though the Presiding Polling Officer was at pains to explain how the seals came to be not secure and intact the petitioner submits that in so far as there has been a violation of the fundamental requirements of the Election Law the declaration as the successful candidate of the first respondent has been vitiated.

(6) That in some polling booths, in particular in the Polling Booth No. 6 of Tarikere Kasaba and in Polling Booth No. 18 Koratikere, the number of votes actually polled were found to be in excess of the number of ballot papers issued. This material irregularity has also vitiated the Election.

(7) The petitioner also charges that several votes have been counted as valid in favour of the respondent which really ought not to have been so counted as either some of them were impersonated votes or votes not of those of the actual voters found on the list, as in some cases the voters in the list were dead and in some other cases the real voters did not turn up. The petitioner not having got copies of the voters list is handicapped in furnishing details at this stage. (He however submits that on a recount this submission made for the petitioner will find support).

(8) The violation of the Election Laws apart, the first respondent by himself and through his Agents committed major corrupt practices of the following among other kinds :—

(*a*) He hired and procured a Motor Bus which was a Service Bus running between Tarikere and Hiriyur, belonging to one Ahamadjan. This vehicle was not used for doing its usual trip on the line but did many trips on the election day for bringing voters to vote for the first respondent. The particulars relating to this kind of corrupt practices are set out in para 1 in the list of particulars annexed to the petition.

(*b*) That the said respondent took the assistance of a number of Government Servants, in particular that of his son-in-law Sri S. Duggappa and Patel C. Parameswarappa of Basavapur Village to further the prospects of his election. The particulars of assistance taken from them are set out in para 2 of the list of particulars annexed to this petition.

(c) That there was a systematic appeal to the electors published through hand-bills of the kind annexed to this petition reproduced from a Kanarese paper not to vote to the petitioner on the ground that the petitioner belonged to a political organisation which was represented to be interfering with Hindu Religion, temples, etc. Particulars of such appeal are given in para 3 of the list of particulars attached to the petition.

The respondent through his Agents influenced several voters to vote for himself and for the petitioner by fanatic appeals, using the name of Manjiah Heggade of Dharmasthala, exploiting the feeling of reverence of several Hindu voters to the said gentlemen and the seat of worship to which he belonged. These appeals were not only by wide publication in the form of hand-bills but also through the extensive use of loud speakers at important gatherings where the voters would congregate. The respondents in getting these hand-bills published incurred disqualification of the membership by reason of the illegal practice in bringing out the hand-bills which do not bear on the face of them the names and addresses of the publishers.

(d) The respondent fed several voters and extracted from them in token of gratitude that they would vote for him and thereby committed an illegal practice which has materially affected the result of the election but at all events disqualified him from membership. Particulars relating to this are furnished in para 4 of the list of particulars attached.

(e) The respondent by himself and through his agents systematically disturbed election meetings in particular a meeting arranged at Ajjampur. Particulars relating to these are set out in para 5 of the list hereto annexed. The petitioner submits that because of the fear that the respondent brought to bear on the voters by illegal practices of the kind secured many voters who would otherwise have voted for the petitioner.

(f) The respondent by himself and through his agents intimidated the petitioner's workers by threat of violence, the particulars whereof are set out in the list of particulars herewith annexed (Para 6.)

(g) The return of Election Expenses lodged by the first respondent has been false in material particulars as specified in para 7 of the list of particulars annexed to the petition and either on the ground of corrupt practice or on the ground of disqualification the respondent's election has been vitiated.

9. That if for any reason the petitioner cannot satisfy that the corrupt practices referred to above were committed by the first respondent or his agents or by several persons with his connivance at all events the election of the first respondent has been procured and induced by the said corrupt practices with the result that the election has been materially affected. That but for these corrupt practices the petitioner would have got a majority of votes.

10. That the counting of votes was done in such a manner (not in accordance with the rules) that it was impossible either for the petitioner or his agents to know and note the particulars of improperly accepted votes for the first respondent. Wherefore a general scrutiny of re-count, if ordered, will reveal that the petitioner will have got more valid votes in his favour than the first respondent.

11. The petitioner submits that but for the first respondent obtaining votes on account of these corrupt and illegal practices the petitioner would have obtained the majority of the valid votes.

12. The petitioner has deposited the necessary sum of Rs. 1,000 as security and has filed this petition within time allowed by law. He prays that the election of the first respondent be declared void and further that he the petitioner be declared to be duly elected, candidate at the said election.

(Sd.) S. RANGA RAJ,
Advocate for Petitioner.

(Sd.) T. C. BASAPPA,
Petitioner.

I, the Petitioner above named, do hereby solemnly affirm and declare that what is stated above is true to the best of my knowledge, belief and information.

Bangalore,
Dated 10th April 1952.

(Sd.) T. C. BASAPPA,
Petitioner

ANNEXURE.

List of Particulars of corrupt and/or illegal practices.

1. A service bus which the Petitioner believes to belong to one Ahamed Jan of Gowrapur named as Haji Imam Hussain Motor Service which was a Service Bus running between Tarikere and Hiriyur was hired by the first respondent for the purpose of conveying his voters at the said election from Gowrapur to Sollapur polling booth. In order to conceal this hiring it was made to appear by the Licensee of the Bus making an application to the District Magistrate for a permit for two trips for the ostensible purpose of carrying his family members to the polling booth. The Licensee's family members were about *eight* in number and this service bus was of the seating capacity of about 36 persons. This bus did number of trips making it appear as far as the Police Books are concerned that two trips had been done to Sollapur. On the occasion of even these two trips the bus came with full load. On other occasions which do not find an entry in the Police Books the voters used to be lodged at several distances away from the polling station. The Bus had the placard of the respondent prominently posted up.

2. Sri S. Duggappa is the son-in-law of the first respondent. He took leave from the Bhadravathi Iron and Steel Works wherein he is employed, and posted himself at Tigada Centre which was the polling booth for Kemmangundi voters and others in the vicinity. He used his official influence over several of the voters who were dependant on the employment of the Iron and Steel Works. Through these voters he was able to exercise influence on the neighbouring villagers. Having taken leave from the 1st to 5th January 1952 he went on the 3rd evening to Kemmangundi and halted there. He continued to stay on the 4th so that he might ensure the voters whom he had unduly influenced as aforesaid to vote for his father-in-law. Indeed he was found to be openly canvassing for the first respondent.

Patel C. Parameswarappa accompanied the first respondent and actively canvassed for votes in several villages to wit Baggavalli, Channapur among others. On the polling day he openly canvassed at Baggavalli Polling Centre for the first respondent. He went and sat in the car together with the first respondent in the procession held at Tarikere on 27th January 1952 held to commemorate the success of the first respondent. He gave a dinner at Chennapur to the first respondent wherein he had invited the voters whom he had successfully canvassed in support of the first respondent.

3. The hand-bill which is an annexure to the petition was one of the thousands of the hand-bills which the first respondent got circulated and presumably got printed with the connivance of agents. These hand-bills were circulated house to house in several of the villages and in Lakkavalli proper. The sentiments expressed in the hand-bills were also published by means of loud-speakers fitted on to the Propaganda Van employed by the first respondent. The hand-bills were distributed and propaganda was done during the election period in December 1951 and in January 1952.

4. On 28th December 1951 at Abbinaholalu in Shivani Hobli the petitioner arranged for a grand dinner party in his friend's house and promises were taken after the feeding from several of the voters. On 2nd January 1952 in Menasinakai Hosahalli in his friend's house the first respondent gave another dinner party where also similar promises were extracted from the voters.

5. On 20th December 1951 the President of the Mysore Pradesh Congress, to which organisation the petitioner belongs, was to address a meeting of the voters at Ajjampur. The first respondent got 2 of his vans fitted with loud speakers and stopped at close vicinity of the meeting and began systematically to disturb the meeting to prevent the lecturer from addressing the meeting. The President had to leave the meeting without addressing and by this means the first respondent created an atmosphere favourable to himself and unfavourable to the petitioner.

6. Between 14th and 19th December 1951 the respondent through his agents threatened several of the Congress workers, to wit Sri S. Y. Naganna Setty, Krishnaji Rao, Siddappa, etc., that they would inflict injury on their person if they took part in working for the petitioner.

7. The first respondent commenced his canvassing from 1st November 1951 by touring in the constituency village after village. He has not shown the petrol expenses for these canvassing tours. The petrol expenses and the car expenses, etc., would easily swell to considerable figure. The first respondent used his friend Sri K. V. Sathyanarayana Setty's car and not only was he using his car but also drawing petrol in his name. The petrol bill which appears in the name of Sri K. V. Sathyanarayana Setty is about Rs. 636 in the Petrol Bunk of Sri K. Venkataswamy. Similarly he has drawn petrol in other's name, *i.e.*, entered in the name of Sri C. Parameswarappa at Birur. These expenses also are not shown in the return of expenses. The first respondent had at least *seven* vans working for him apart from the two vans bearing numbers 587 and 3820, belonging to him. He has not shown the hiring charges in respect of these vans. These vans bear the numbers MY 8894 Z; MY 9692 Z; MY 3963 Z; MY 9073 Z; MY 6525 Z; MY 6527 Z; MY 3537 Z; The first respondent has also not shown the dinner expenses and the expenses incurred in the hotel. All these expenses he has omitted would easily exceed the sanctioned limit of Rs. 5,000.

(Sd.) S. RANGA RAJ,
Advocate for Petitioner.

(Sd.) T. C. BASAPPA,
Petitioner.

I, the petitioner abovenamed, do hereby solemnly affirm and state that what is stated above is true to the best of my knowledge, belief and information.

Bangalore,
Dated 10th April 1952.

(Sd.) T. C. BASAPPA,
Petitioner.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV.

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. Fl.(B) 6824—C.R. 31-52-2, Bangalore, dated 19th September 1952.

The following order of His Highness the Rajpramukh is published for information :

ORDER.

"In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Rajpramukh of Mysore, do hereby direct that in the case of services and posts in connection with the affairs of the State of Mysore, the Secretary to Government, Finance Department, may make rules regulating the conditions of service of persons appointed to the said services and posts with the concurrence of the Minister for Finance where such rules involve amendments of a routine nature and do not raise question of policy or heavy financial commitments.

JAYA CHAMARAJA WADIYAR."

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

No. L.D. 1130 -L.A. 53-52-1, dated Bangalore, 24th September 1952.

The following Order by the Rajpramukh, dated 19th September 1952, is published for general information :—

"In exercise of the powers conferred upon me by sub-clause (*a*) of clause (2) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Rajpramukh of Mysore, hereby prorogue the Mysore Legislative Assembly".

JAYA CHAMARAJA WADIYAR,

Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. L.S. 2542—L.W. 156-51-2, dated, Bangalore, 16th August 1952.

The draft of the following rules which are proposed to be made in exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (Central Act VIII of 1923) and in supersession of the Workmen's Compensation Rules, 1920, issued in Notifications No. D. 8914—I. & C. 485-27-11, dated 26th February 1929, No. D. 7674—I. & C. 96-28-34, dated 8th January 1930 and No. D. 3437—I. & C. 188-39-3, dated 13th January 1940, is hereby published for the information of all persons likely to be affected thereby as required by section 34 of the said Act.

Notice is hereby given that the draft will be taken into consideration on or after 20th October 1952.

Objections or suggestions, if any, to the draft rules may be forwarded through the Commissioner of Labour to the Secretary to Government, Law Department, Public Offices, Bangalore, for consideration so as to reach him before the said date.

NOTIFICATION.

No. H.A. 4743—Pol. 137-50-10, dated Bangalore, 11th September 1952.

In exercise of the powers conferred by sub-rule (1) of Rule 2 of the Indian Arms Rules, 1951, the Government of Mysore is pleased to designate the Deputy Inspector-General of Police, Bangalore City, to perform the functions of the District Magistrate for the purposes of the Indian Arms Rules, 1951, in respect of Bangalore City and Bangalore North and South Taluks.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

NOTIFICATION.

No. H.A. 4995—Pol. 139-52-1, Bangalore, dated 19th September 1952.

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Restriction of Habitual Offenders Act, 1952 (Mysore Act XXIII of 1952), the Government of Mysore appoints the 25th day of September 1952 as the date on which the said Act shall come into force.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,

Secretary to Government,

Home and Revenue Departments.

NOTIFICATION.

No. L. 9392—Ml. 152-52-4, dated Bangalore, 17th September 1952.

In exercise of the powers conferred by Section 46 (1) (h) of the Mysore Town Municipalities Act, 1951 (Mysore Act No. XXII of 1951), the Government of Mysore is pleased to make the following Model Rules for the levy and recovery of a rate on buildings and lands under Section 61 (b) (i) of the Mysore Town Municipalities Act, 1951, by the Municipal Councils in the State:—

1. A rate on buildings and lands shall be levied in the Municipalities for municipal purposes. The rate on the following basis shall be payable and on the dates indicated hereunder:—

x x x

2. *How rates may be collected.*—The rates imposed by these rules shall be collected by the Municipality departmentally.

3. *Remissions.*—Subject to the sanction of Government, remissions may be made to any extent by the Municipality on the recommendation of the Municipal Council, in cases in which the Municipal Council is satisfied that the recovery of the amount proposed for remission would entail undue hardship on a poor man.

4. *Claims for Refund when not entertainable.*—No claim for refund of any sum paid to the Municipality on account of rates on buildings or lands shall be entertained, unless application therefor is made in writing within ninety days, after the expiry of the year to which the claim relates.

5. *Payment of Refund when not to be made.*—No sum shall be refunded unless the person entitled to it applies for payment within three months of delivery to him of the notice of the refund having been duly authorised. In such notice the period within which the refund must be demanded shall be always stated.

6. *Order for payment of Refund to be written on the Bill Form.*—Every order for payment of a refund shall be written on a bill in the form given in Schedule A and signed by the President.

7. *Entry in the Assessment List on Sub-Division.*—Where any property is sub-divided on application being made to the Municipal Council intimating such sub-division,, the Municipal Council shall, unless they see any objection to the same, cause each sub-division to be entered in the assessment list as if it was a separate property.

8. *How bills prepared and issued.*—All bills under Section 92 (1) shall be prepared from the assessment list and from information obtained by process in accordance with bye-laws framed under Section 48 (1) (i) and shall be issued under the signature of the President or other officer authorised by the President.

9. *Suspension of process for recovery when notice of vacancy received.*—When a notice of vacancy has been received under

Section 79 process for the recovery of the dues of the current year or instalment period may be suspended till final orders are passed on the notice.

10. *Owner should give notice of re-occupation.*—When an owner has given notice of vacancy, he shall also give notice in writing to the President within fifteen days of the date of subsequent re-occupation and failing this, he shall not be entitled to any refund, if it be found that his premises have been re-occupied during the year or instalment period.

11. *Notice Fees.*—For every notice of demand issued under sub-section (3) of Section 92 of the Act, fees shall be levied at the following rates :—

x x x
x x x

12. *Warrant Fees.*—For every distraint made under sub-section (5) of Section 93 of the Act, fees shall be levied at the following rates :—

x x x
x x x

13. *Maintenance.*—Rates as per accompanying statement shall be charged for maintaining live-stock distrained under sub-section (5)

Sl. No.	Description of live-stock	Cost for the supply of fodder for each head of live-stock per day or fraction of a day
		Rs. a. p.
1	Elephant	
2	Camel	
3	Buffalo	
4	Do calf	
5	Bullock or cow	
6	Heifer or calf	
7	Goat and sheep	
8	Kid	
9	Horse	
10	Fowl	
11	Donkey (either young or grown) ...	
12	Pig	
13	Birds of all kinds	

Provided that no rate shall be charged where the owner of such live-stock pays the full amount of the Municipal dues and receives back such live-stock within three hours from the time of their seizure.

14. The Revenue Inspector is authorised to receive Municipal dues under these rules.

15. *Under Section 46 (1) when Municipal dues may be written off* :—Arrears of the tax may be written off as irrecoverable if, after it

has been outstanding for at least a year, in the case of a sum less than Rs. 5 and three years in other cases, the Municipal Council is satisfied that processes for recovery have been pushed on with due promptness and diligence and that the sums due cannot be recovered within any reasonable time or by any legal process.

16. *Exemptions.*—In the following cases no tax shall be levied :—

**

....

....

(* Here cases to be specified by the Municipality).

SCHEDULE 'A'.

District ..... Refund Bill

Number of payees	Name of payee	Amount of refund	Grounds of refund	Date on which the amount claimed is credited in the treasury accounts	The head of accounts under which it is credited	Remarks

Certified that the amounts have been credited in the accounts shown as above.

Treasury Officer.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,

Local Self-Government Department.

Memo No. L. 9393-9509, dated 17th September 1952.

Copy of the above is forwarded to—

1. The Commissioner for Local Self-Government in Mysore, Bangalore.
2. The Deputy Commissioners of Districts.
3. The Presidents of Town Municipal Councils.
4. The Controller, State Accounts Department, Bangalore, for information.

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NOTIFICATION.

No. L.S. 8280—L.W. 61-52-9, Bangalore, dated 10th September 1952.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), the Government of Mysore are pleased to exempt the Bowring Institute, Bangalore, from the provisions of Section 14 of the said Act in respect of their employees noted below :—

(1) Cloak-room Attendants.
(2) Bar Waiters.
(3) Hall Peons.
(4) Billiard Markers.
(5) Card-Room Attendants.
(6) Reading Room Attendants.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3344—L.W. 83-52-8, dated Bangalore, 12th September 1952.

In exercise of the powers conferred by Clause (*b*) of sub-section (*1*) of Section 11 of the Indian Trade Unions Act, 1926 (Central Act XVI of 1926), the Government of Mysore are pleased to appoint the Courts specified in Column 1 of the Table below as Appellate Courts in respect of the area specified in the corresponding entry of Column 2 of that table :—

Name of Court	*Area*
1	2
Court of the Principal District Judge, Bangalore Division, Bangalore.	The District of Bangalore (excluding the Civil Station) and the Districts of Tumkur and Kolar.
Court of the District Judge, Civil Station, Bangalore.	Civil Station, Bangalore.
Court of the District Judge, Mysore Division, Mysore.	Districts of Mysore, Mandya and Hassan.
Court of the District Judge, Shimoga Division, Shimoga.	Districts of Shimoga, Chikmagalur and Chitaldrug.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3414—L.W. 120-52-4, dated Bangalore, 16th September 1952.

The following draft of certain amendments to the Mysore Factories Rules, 1952, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 112 of the Factories Act, 1948 (Central Act No. LXIII of 1948), is hereby published for the information of all persons likely to be affected thereby, as required by section 115 of the said Act.

Notice is hereby given that the said draft will be taken into consideration on or after the 1st January 1953.

Objections or suggestions to the amendments sent to the Secretary to Government, Law Department, Old Public Offices, Bangalore, before the said date, will be considered by the State Government.

DRAFT AMENDMENTS.

1. In sub-rule (1) of rule 95, after item 11, the following item shall be added, namely :—

"12. Printing Presses and Type Foundries—Certain lead processes carried therein".

2. After schedule XI to Rule 95, the following schedule shall be inserted, namely :—

"Schedule XII".

SCHEDULE XII.

(Printing Presses and Type Foundries—Certain lead processes carried therein).

1. *Exemption.*—Where the Chief Inspector is satisfied that all or any of the provisions of this schedule are not necessary for the protection of persons employed he may by certificate in writing exempt any factory from all or any of such provisions subject to such conditions as he may specify therein. Such certificate may at any time be revoked by the Chief Inspector.

2. *Definitions.*—In these regulations—

(1) "Lead material" means—material containing not less than five per cent of lead.

(2) "Lead process" means—

(*a*) the melting of lead or any lead material for casting mechanical composing ; and

(*b*) the recharging of machines with used lead material ; or

(*c*) any other work including removal of dross from melting pots, cleaning of plungers ; and

(*d*) manipulation, movement or other treatment of lead material.

(3) "Efficient exhaust draught" means localised ventilation effected by heat or mechanical means, for the removal of gas, vapour, dust or fumes so as to prevent them escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove gas, vapour, fume or dust at the point where they originate.

3. *Exhaust draught.*—None of the following processes shall be carried on except with an efficient exhaust draught:—

(*a*) melting lead material or slugs;

(*b*) heating lead material so that vapour containing lead is given off;

or, unless carried on in such a manner as to prevent free escape of gas, vapour, fumes or dust into any place in which work is corried on, or, unless carried on in electrically heated and thermostatically controlled melting pots.

Such exhaust draught shall be effected by mechanical means and so contrived as to operate on the dust, fume, gas or vapour given off as closely as may be at its point of origin.

4. *Prohibition relating to women and young persons.*—No woman or young person shall be employed or permitted to work in any lead process.

5. *Separation of certain processes.*—Each of the following processes shall be carried on in such a manner and under such conditions as to secure effectual separation from one another and from any other process:—

(*a*) melting of lead or any lead material;

(*b*) casting of lead ingots;

(*c*) mechanical composing.

6. *Container for dross.*—A suitable receptacle with tightly fitting cover shall be provided and used for dross as it is removed from every melting pot. Such receptacle shall be kept covered while n the work-room near the machine except when the dross is being deposited therein.

7. *Floor of work-room.*—The floor of every work-room where lead process is carried on shall be—

(*a*) of cement or similar material so as to be smooth and impervious to water;

(*b*) maintained in sound condition; and

(*c*) shall be cleansed throughout daily after being thoroughly damped with water at a time when no other work is being carried on at the place.

8. *Mess Room.*—The occupier shall provide and maintain for the use of the persons employed suitable and adequate arrangements for taking their meals. The arrangements shall consist of the use of

a room separate from any work-room, which shall be furnished with sufficient tables and benches and unless a canteen serving hot meals is provided, adequate means of warming food. The room shall be adequately ventilated by the circulation of fresh air and shall be placed under the charge of a responsible person and shall be kept clean.

9. *Washing facilities.*—There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in a lead process.

(*a*) A wash place with either—

(i) a trough with a smooth impervious surface fitted with a waste pipe without plug, and of sufficient length to allow at least two feet for every ten such persons employed at any one time and having a constant supply of water from taps or jets above the trough at intervals of not more than 2 feet; or

(ii) at least one wash basin for every ten such persons employed at any one time, fitted with a waste pipe and plug and having an adequate supply of water laid on or always readily available; and

(*b*) a sufficient supply of clean towels made of suitable material renewed daily with a sufficient supply of soap or other suitable cleansing material.

10. *Medical examination.*—(*a*) Every person employed in a lead process shall be examined by the Certifying Surgeon within 14 days of his first employment in such processes and thereafter shall be examined by the Certifying Surgeon at intervals of not more than three months, and a record of such examinations shall be entered by the Certifying Surgeon in the Special Certificate of Fitness in Form No. 27.

(*b*) A Health Register containing names of all persons employed in any lead process shall be kept in Form No. 17.

(*c*) No person after suspension shall be employed in a lead process without the written sanction from the Certifying Surgeon, entered in the Health Register.

11. *Food, drinks, etc., prohibited in work-rooms.*—No food, drink, pan and supari or tobacco shall be consumed or brought by any worker into any work-room in which any lead process is carried on.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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NOTIFICATION.

No. L.S. 3494—L.W. 39-52-12, dated Bangalore, 23rd September 1952.

The following draft of certain further amendments to the Industrial Disputes (Mysore) Rules, 1951, which the Government of Mysore propose to make in exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 15th October 1952.

Any objections or suggestions which may be received by the Secretary to Government, Law Department, from any person with respect to the said draft on or before the date specified above will be considered by the Government of Mysore.

Draft Amendment.

In the said Rules—

(1) Rule 20 shall be numbered as sub-rule (1) of the said rule, and after the rule as so re-numbered, the following sub-rule shall be inserted, namely :—

"(2) Subject to the provisions of sub-rule (1), the Tribunal shall also have the power to consolidate a number of references under section 10 arising in the same industry and having common issues and give a single award determining such issues:

Provided, that the Tribunal shall before giving its award take into consideration the financial capacity of each undertaking or any other factor which needs special consideration."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,

Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

WORKMEN'S COMPENSATION (MYSORE) RULES, 1952.

PRELIMINARY.

1. These Rules may be called the Workmen's Compensation (Mysore) Rules, 1952. Short title.

2. In these Rules, unless there is anything repugnant in the subject or context,— Definition.

(a) "the Act" means the Workmen's Compensation Act, 1923.

(b) "Form" means form appended to these Rules.

(c) "Section" means a section of the Act.

PART I.

Review of half-monthly payments and commutation thereof.

3. Application for review of a half-monthly payment under section 6 may be made without being accompanied by a medical certificate,— When application may be made without Medical Certificate.

(a) by the employer, on the ground that since the right to compensation was determined the workmen's wages have increased;

(b) by the workman, on the ground that since the right to compensation was determined his wages have diminished;

(c) by the workman, on the ground that the employer having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;

(d) either by the employer or by the workman, on the ground that the determination of the rate of a

compensation for the time being in force was obtained by fraud or undue influence or other improper means;

(*e*) either by the employer or by the workman on ground that in the determination of compensation, there is a mistake or error apparent on the face of the record.

Procedure on application for review.

4. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

Procedure on application for commutation.

5. (1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lumpsum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue less one-half per cent of that total for each month comprised in that period:

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART II.

Deposit of Compensation and Registration of Dependants.

Deposit under section 8(1).

6. (1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8 in respect of a workman whose injury has resulted in death

shall furnish therewith a statement in Form 1, and shall be given a receipt in Form 3.

In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form 2 and shall be given a receipt in Form 3.

(2) If when depositing compensation in respect of fatal accidents the employer indicates in the statement referred to in sub-rule (1), that he desires to be made a party to the distribution proceedings, the Commissioner shall before allotting the sum deposited as compensation afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman, or as the case may be, that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (4) of section 8 shall be in Form 4.

Publication of lists of deposits.

7. The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death or injury the deposits have been made.

Application by dependants for deposits of compensation.

8. (1) A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form 9:

Provided that no such application shall be entertained, unless the applicant certifies therein that he has requested the employer to deposit compensation and that the employer has refused or omitted to do so.

(2) If compensation has not been deposited the Commissioner shall dispose of such application in accordance with the provisions of Part V of these Rules:

Provided that—

(*a*) The Commissioner may, at any time before issues are framed, cause notice to be given in such manner

as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf;

(*b*) any dependant to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3) If after completing the inquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join in the application.

Deposit under Section 8 (2).

9. An employer depositing compensation in accordance with sub-section (2) of Section 8 shall furnish therewith a statement in Form 5, and shall be given a receipt in Form 6.

Manner in which compensation may be invested under section 8.

10. Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased workman in Government Securities or may be deposited in a Government Savings Bank.

Dependants of the deceased workmen entitled to compensation.

11. Workmen coming under the operation of the Act may register with their employer, and with the Commissioner within those jurisdiction they are employed the names and addresses of their dependants within the meaning of section 2 (1)(*d*) and in an enquiry for the distribution of the compensation the Commissioner may, in the absence of any other claimant, presume that for the purposes of apportionment of campensation, the persons whose names have been so registered are the dependants of the deceased workman.

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PART III.

Reports of Accidents.

12. The report required by section 10-B, shall, subject to such Rules, if any, as may be made by Government be in the Form 7.

Report of fatal accidents.

13. (1) Any employer who has received information of an accident may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigations or inquiry which has been made into the circumstances or cause of the accident.

Right of employer to present memorandum when information received.

(2) A memorandum presented under sub-rule (1) shall, subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

PART IV.

Medical Examination.

14. A workman who is required by sub-section (1) of section 11 to submit himself for medical examination shall be bound to do so in accordance with the Rules contained in this Part and not otherwise.

Workman not to be required to submit to medical examination save in accordance with Rules.

15. When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified Medical Practitioner who is so present, the workman shall submit himself for examination forthwith.

Examination when workman and Medical Practitioner are both on premises.

Examination in other cases.

16. In cases to which Rule 15 does not apply, the employer may—

(*a*) send the Medical Practitioner to the place where the workman is residing for the time being in which case the workman shall submit himself for medical examination on being required to do so by the Medical Practitioner, or

(*b*) send to the workman an offer in writing to have him examined free of charge by a qualified Medical Practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified:

Provided that—

(i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 P.M. and 6 A.M., and

(ii) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

Restriction on number of examinations.

17. A workman who is in receipt of a half-month payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

Examination after suspension of right to compensation.

18. If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 11 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman has so offered himself.

Examination of women.

19. (1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

PART V.

PROCEDURE.

Introductory.

20. Save as otherwise provided in these Rules, the procedure to be followed by Commissioners in the disposal of cases under the Act or these Rules and by the parties in such cases shall be regulated in accordance with the Rules contained in this Part.

Applications.

21. (1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall unless the Commissioner otherwise directs, be made in duplicate in the appropriate form, if any, and shall be signed by the applicant.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

Production of documents.

22. (1) When the application for relief is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not without the sanction of the Commissioner be admitted in evidence on behalf of the party who should have produced it.

(4) Nothing in this rule applies to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

Application presented to wrong Commissioner.

23. (1) If it appears to the Commissioner on receiving the application that it should be presented to another Commissioner, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Commissioner to whom it should be presented.

(2) If it appears to the Commissioner at any subsequent stage that an application should have been presented to another Commissioner, he should send the application to the Commissioner empowered to deal with it and shall inform the applicant (and the opposite party if he has received a copy of the application under Rule 27), accordingly.

(3) The Commissioner to whom the application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of it had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

Examination of applicant.

24. (1) On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded, in the manner provided for the recording of evidence in section 25.

Summary dismissal of application.

25. The Commissioner may, after considering the application and the result of any examination of the applicant under Rule 24 summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

Preliminary inquiry into application.

26. If the application is not dismissed under Rule 25 the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

Notice to opposite party.

27. If the Commissioner does not dismiss the application under Rule 25, or Rule 26, he shall send to the party from whom the applicant claims relief (hereinafter

referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

Appearance and examination of opposite party.

28. (1) The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed shall, proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

Framing of issues.

29. (1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

Power to postpone trial of issues of fact where issues of law arise.

30. When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Diary.

31. The Commissioner shall maintain under his hand a brief diary of the proceedings on application.

Reasons for postponement to be recorded.

32. If the Commissioner finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponement.

Judgment.

33. (1) The Commissioner, in passing orders, shall record concisely in a judgment his finding on each of the issue framed and his reasons for such finding.

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or

arithmetical mistake arising from any accidental slip or omission.

Summoning of witnesses.

34. If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses unless he considers that their appearance is not necessary for the just decision of the case.

Exemption from payment of costs.

35. If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which had they not been remitted, would have been due to be paid, may be added to the cost of the cases and recovered in such manner as the Commissioner in his order regarding costs may direct.

Right of entry for local inspection.

36. A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings:

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

Procedure in connection with local inspection.

37. (1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(2) Such notice may be given orally or in writing and in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 10, or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and on payment of the prescribed fee shall supply any party with a copy thereof.

(5) The memorandum shall form part of the record.

Power of summary examination.

38. (1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him may examine summarily any person likely to be able to give information relative to such case whether such person has been or is to be called as a witness in the case or not, and whether any or all the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by person examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(5) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of or refusal to accept, the agreement reached.

Agreement to abide by Commissioner's decision.

39. (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

Procedure where indemnity is claimed under Section 12 (2).

40. (1) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 12 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form 11.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings: in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him:

Provided that if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall after giving notice to the aforesaid opposite party, hear such person and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(3) If any person served with a notice under sub-rule (1) whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form 12.

(4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed

in the notice in Form 12 or on any date to which the case may be adjourned and, if he so appears shall have all the rights of a party to the proceedings; in default of so appearing, he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

Procedure in connected cases.

41. (1) Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may so far as the evidence bearing on such issue is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Commissioner shall certify under his hand on the records of any such other case the extent to which the evidence so recorded applies to such other case and the fact that the parties to such other case had the opportunity of being present, and if they were present, of cross-examining the witnesses.

Certain provisions of Code of Civil Procedure 1908 to apply.

Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, Rules 9 to 30; Order VII, Rules 9 to 18; Order IX; Order XIII; Order XVI; Order XVII; and Order XXIII, Rules 1 to 3, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto:

Provided that—

(*a*) for the purpose of facilitating the application of the said provisions the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before him;

(*b*) the Commissioner may, for sufficient reason proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

43. Any form other than a receipt for compensation which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

Apportionment of compensation among dependants.

44. The provision of this Part, except those contained in Rules 27, 28 and 40 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

PART VI.

TRANSFER.

Transfer for report.

45. (1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of section 21 shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case so transferred for report shall not be required to report on any question of law.

Transmission of money.

46. Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 21 shall be transmitted either by remittance transfer receipt or by money order, or by messenger, as the Commissioner transmitting the money may direct.

PART VII.

APPOINTMENT OF REPRESENTATIVES.

When representative must be appointed.

47. Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who

consents to the appointment, to represent such party for the purpose of the proceeding.

48. If the Commissioner considers that the interests of any party for whom a representative has the appointed under Rule 47 are not being adequately protected by that representative, or if a person appointed to act as representative dies, or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment. When new representative to be appointed.

PART VIII.

Record of Memorandum of Agreement.

49. Memorandum of agreement sent to the Commissioner under sub-section (1) of section 28 shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with Form 13 or Form 14 or Form 15, as the case may be. Form of Memorandum.

50. (1) On receiving a memorandum of agreement, the Commissioner shall unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form 16 to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed: Procedure where Commissioner does not consider that he should refuse to record memorandum.

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice nnder sub-rule (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and if any party desiring the memorandum to be

recorded is not present, he shall send information to the party in Form 19.

Procedure where Commissioner considers he should refuse to record memorandum.

51. (1) If, on receiving a memorandum of agreement the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form 18 or Form 19 as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all such parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with Rule 50.

(*a*) If on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form 17 to any party who did not receive information under sub-rule (1).

Procedure on refusal to record memoranda.

52. (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lumpsum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record the estimate of the probable duration of the disablement of the workman.

53. In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form 20 and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely :— Registration of memorandum accepted for record.

"This Memorandum of Agreement bearing Serial No.....of.....195.....in the Register has been recorded this.....day of.....

(Signature)

Commissioner."

PART IX.

COSTS.

54. Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing. Procedure when costs not follow the event.

55. The costs which may be awarded shall include.— Costs to be awarded.

(*a*) the charges necessarily incurred on account of court-fees ;

(*b*) the charges necessarily incurred on subsistance money to witnesses ; and

(*c*) pleader's fee on the scale prescribed in the following rule.—

56. (*a*) In any proceeding involving an application for compensation in the form of a lumpsum or for commutation or for indemnification, the pleader's fee allowable shall ordinarily be Rs. 10. Pleader's fee.

The Commissioner may, in any such proceeding for sufficient cause, reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

(*b*) In all other applications the pleader's fee shall ordinarily be Rs. 5.

The Commissioner may, in any special case, increase the fee to a sum not exceeding Rs. 20.

57. When a party engages more Pleaders than one to conduct or defend a case, he shall be allowed one set of costs only. Costs when more than one Pleader is engaged.

Apportionment of costs among several Respondents.

58. If several respondents, having substantially one defence to make, succeed thereon, not more than one fee shall be allowed; and the Court shall apportion it among the several respondents in such manner as it may think fit.

When separate costs allowed.

59. If several respondents have separate and distinct defences to make, they may, if successful, be allowed separate costs, whether they are represented by separate Pleaders or not.

FEES.

Fees payable in respect of application.

60. The fees payable in respect of proceedings under the Act shall be as prescribed hereunder :—

I. Application for compensation—	
(a) Where compensation is claimed in the form of recurring payments under Class D of sub-section (1) of section 4.	Eight annas.
(b) Where compensation is claimed in the form of a lumpsum under Classes A, B or C of sub-section (i) of section 4.	(i) Where the sum claimed does not exceed Rs. 500, One Rupee; and (ii) Where the sum claimed exceeds Rs. 500, One Rupee for each sum of Rs. 500 or fraction thereof.
II. Application for commutation under Section 7—	
(a) Where it is by Agreement between the parties.	Eight Annas.
(b) In any other case	One Rupee.
III. Application for the deposit of Compensation—	
When presented under Section 8 (1) ...	Nil.
When presented under Section 8 (2) ... (In respect of each person to whom compensation is payable).	Eight annas.
IV. Application for apportionment of compensation under Section 8 (1).	One Rupee for each dependant.
V. Application for review—	
(a) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments under section 6 (2).	Eight annas.
(b) Where the half monthly payments are sought to be converted into a lumpsum under Section 6 (2).	One Rupee.
(c) In all other cases.	One Rupee.

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VI. Application for the registration of agreements—	
(a) Where either the application or the memorandum of agreement accompanying it is signed by both the parties under Section 28 (1).	Nil.
(b) In any other case	Eight annas.
VII. Application to summon witnesses—	
(a) When the application is to summon a single witness.	Eight annas.
(b) When the application is to summon more than one witness.	Eight annas for the first witness and four annas for every subsequent witness.
VIII. Application for indemnification under section 13.	Three Rupees.
IX. Application for the recovery of compensation—	
(a) Under an order already passed by the Commissioner.	Eight annas.
(b) In all other cases	The same fee as is payable on a similar application for compensation.
X. All applications not otherwise provided for.	Eight annas.

61. In the case of any application falling under head "X" the Commissioner may, if he thinks fit, permit the application to be made without fee. When application may be without fee.

Where the Commissioner grants relief of a different kind from or to a greater extent than that claimed by the applicant and if the fee which would have been payable on an application for the relief which the Commissioner grants is greater than the fee which has actually been paid, the Commissioner shall require the applicant to deposit the difference. The order shall not be executed until the difference is paid. When applicant is required to deposit further fee.

63. All fees payable under these rules shall be collected in the manner prescribed by the Court Fees Act. Manner of collecting fees.

64. The following registers shall be maintained by the Commissioner:— Registers to be maintained by the Commissioner.

(1) A register in Form 1 of application for the settlement of any matter filed before the Commissioner;

(2) A register in Form 2 of *sub-poena* applications filed before the Commissioner;

(3) A register in Form 3 of processes delivered for service on parties;

(4) A register in Form 4 of Court Fees on all applications filed before the Commissioner;

(5) A register in Form 5 of deposits received from and re-payments made to parties;

(6) A register in Form 6 of miscellaneous applications filed before the Commissioner; and

(7) A register in Form 7 showing the receipt and disposal of application for copies of records.

65. (1) All applications presented to the Commissioner shall be headed with a cause-title as in Form 28.

(2) All proceedings subsequent to an original application or petition may be headed with a short cause-title as in Form 29.

Particulars to be furnished in the application.

66. The full name, residence and description of each party and if such is the case, the fact that any party proceeds or is proceeded against in a representative character, shall be set out at the beginning of the application or petition as in Form 30 and need not be repeated in the subsequent proceedings in the same application or petition.

List of documents filed.

67. Every application shall, at the foot thereof, contain a list to be signed by the applicant or his representative of the documents filed therewith in Form 31 or a statement signed, as aforesaid, that no document is filed therewith.

Manner of presenting applications.

68. All applications, written statements and other proceedings and documents may be presented to or filed in Court by delivering the same personally to the Chief Ministerial Officer of the Court at any time during office hours or by sending them by registered post to that officer. The said officer shall at once endorse on the document the date of presentation or receipts by registered post, and if proceedings are thereby instituted shall insert the serial number.

Right of party to inspect and obtain copy of document.

69. Without prejudice to anything contained in the Act or in the rules framed thereunder by the Government or in these rules, a party shall be at liberty to inspect and obtain a copy of any document receipted or referred to in an application or written statement and filed in Court therewith.

70. Every party and his representative desiring to inspect or to obtain copy of any proceedings filed in Court by him or any other party or a Commissioner or Officer of Court, or any other record relating to the application or matter to which he or his client is a party, shall present a memorandum in Form 32 specifying the proceedings or record of which inspection or copy is required.

Procedure for inspecting and obtaining copy of documents.

71. An application for inspection or copies of records or documents of, or in the custody of a Court other than records or documents filed in an application or proceeding or matter to which the applicant is a party shall be made in Form 32 and shall be supported by an affidavit stating whether the applicant has any and if so, what interest in the subject matter of the document or of the proceeding in which the record or document is filed, the purpose for which inspection or copy is required and if the same is required for the purpose of an intended or pending proceeding, the nature of the said proceeding and the relevancy of the record or document to the case of the applicant.

Form of application for inspection of documents.

The Court may, in its discretion, grant or refuse leave to inspect or to obtain a copy of the record or document applied for after causing notice of the application to be given to the parties to the said proceedings, if it thinks necessary.

Discretion of Court to grant copies, etc.

72. When a person is entitled to inspect a proceeding or document, the search therefor shall be made by the officer of the Court and such person shall be allowed to read the proceedings or document which he is entitled to inspect or to have it read to him and to make a short memorandum of the date and nature thereof so as to enable him to describe it sufficiently in case a copy is required, but except where otherwise expressly provided by these rules he shall not be entitled to take a copy of the proceedings or document or any part thereof or to make extracts therefrom.

Procedure in inspecting documents.

73. All copies furnished by the Court shall be certified to be true copies and shall be sealed with the seal of the Court. The Chief Ministerial Officer of the Court shall initial every alteration and interlineation in the copy and shall sign a certificate at the foot thereof that the same is a true copy and shall also state the number of alterations and interlineations made therein.

Certification of copies of documents.

Endorsements of copies of documents.

74. Every copy shall bear an endorsement showing the following dates:—

(1) application made;
(2) stamp papers or charges called for;
(3) stamp papers or charges deposed;
(4) copy ready; and
(5) copy delivered or posted.

Fees payable to be in stamp paper.

75. (1) One stamp paper of the value of two annas shall be brought in for every 175 words or fraction of 175 words.

(2) Four figures shall be taken as equivalent to one word and vernacular words with short suffixes and inflections shall be counted as one word.

(3) Cost of copying maps, plans, genealogical trees, tabular statements or other work requiring skilled labour shall be fixed by the Commissioner and deposited in Court in cash:

Provided that the Commissioner may, in the case of poverty of the applicant, grant copies free of cost notwithstanding the provisions contained in sub-rules (1) and (3).

Procedure on receipt of application for grant of copies.

76. (1) On receipt of an application for copies of records or documents, notice shall be given by post to the applicant of the number of stamp papers required and the amount to be deposited in cash.

(2) If the required stamp papers or cash are not received within a fortnight from the date of notice, the application shall be struck off.

(3) The procedure above described shall also apply to calls for additional stamp paper or cash when the first supply has been found to be insufficient.

(4) The applicant may in his application for a certified copy apply that the same may be delivered to him in person or through the post at a specified address and the copies shall be delivered accordingly and if the applicant so requires by a registered post. If any such copy is not claimed by the applicant within 12 months from the date on which it was ready, the copy shall be destroyed.

(5) If a document of which a copy or inspection is sought is not found on record, the applicant shall be entitled to a certificate to that effect.

(6) If any party or representative wishes to inspect an original record or document with a view to ascertain its probable age or discover erasures or interpollations

therein, he shall do so in open Court at the hearing of the application.

77. (1) The notice sent by the Commissioner under sub-section (1) of section 10-A shall be in Form 39 and shall be accompanied by a copy of Form 40. Form of notice by the Commissioner.

78. Notice books in Form 41 shall be maintained in all establishments specified below wherein 1,000 workmen or more are employed :— Notice Books maintained by establishments.

(*a*) Textile Mills.
(*b*) Jute Mills.
(*c*) Railway Workshops.
(*d*) Distilleries.

PART X.

SILICOSIS.

79. (*a*) The rules in this chapter apply to all industries specified in Schedule A of these rules. The Government may from time to time add to or vary the schedule. Industries to which these rules are applicable.

(*b*) They shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.

80. In these rules, unless there is anything repugnant in the subject or context,— Definition.

(*a*) "Initial Examination" means examination prescribed under Rule 87 (*a*) of the rules.

(*b*) "Periodical Examination" means examination prescribed under Rule 87 (*d*) of these rules.

(*c*) "Examiner" means Registered Medical Practitioner whose name appears in the list published by Government in the Official Gazette as prescribed in Rule 84 of these rules.

(*d*) "Mining" as specified in Schedule A of these rules shall be construed as a reference to underground work or employment beneath the surface: to work or employment upon or about rock crushers in a rock crushing station and to work or employment in a sample crushing room or assay office or on any tailings dump.

81. For the purpose of these Rules, Silicosis shall mean Silicosis of the lungs. Meaning of Silicosis.

Several stages of Silicosis.

82. A person shall, for the purposes of these rules, be deemed to have or to have had Silicosis,—

(*a*) In the ante-primary stage, when it is found on Medical and Radiological Examination that the earliest detectable specific physical signs of Silicosis are or have been present, whether or not capacity for work is or has been impaired by such Silicosis.

(*b*) In the *Primary Stage*, when it is found on Medical and Radiological Examination that definite and specific physical signs of Silicosis are or have been present and that capacity for work is or has been impaired by that disease though not seriously and permanently.

(*c*) In the *Secondary Stage*, when it is found on Medical and Radiological Examination that definite and specific physical signs of Silicosis are or have been present and that capacity for work is or has been seriously and permanently impaired by that disease.

(*d*) Silicosis with active Tuberculosis is equivalent to the secondary stage.

Application for compensation.

83. (*a*) Every workman who desires the grant of compensation under these rules, shall apply to the Commissioner in whose jurisdiction he resides in Form 33 in duplicate.

(*b*) Application for compensation by dependants shall be made in Form 34 and shall be transmitted in duplicate to the Commissioner.

Empowering Medical Practitioners to carry out examination, etc.

84. *Medical Examination.*—The Government shall under these rules publish, from time to time, in the Official Gazette the names of Registered Medical Practitioners who are empowered to carry out examinations and issue certificates.

Ex-Officio Medical Examiners.

85. Government may also appoint Medical Officers in service as *Ex-Officio* Examiners for the purposes of examination and issue of certificates.

Establishment of Medical Bureau.

86. (*a*) Government shall establish a Medical Bureau consisting of three or more Medical Practitioners or Officers with special knowledge of the diseases of the lungs and respiratory organs: and the Commissioner may, in cases of doubt, or shall, in cases where the employer or the workman is dissatisfied with the certificate granted under these rules, refer the case to the Bureau.

(*b*) In all such cases the applicant shall be X-rayed and clinically examined. The findings of the Bureau shall be final.

87. (*a*) Any applicant desiring to work in any of the industries specified in Schedule A, after these rules have come into force, shall submit himself to a Medical Examination by an examiner before whom he shall be caused to appear by the employer. Medical Examination of applicant for work.

(*b*) The examiner shall make such examination (including stethoscope examination) of the applicant as will enable him to fill in correctly the initial certificate in Form 35 that he is free from any disease of the lungs and respiratory organs and is, in other respects, physically fit for the work for which a certificate is sought.

(*c*) Such certificate shall be transmitted to the applicant and shall be valid for a period not exceeding five years.

(*d*) After the initial examination, every workman shall be brought before an examiner by the employer for Medical Examination at intervals of not more than five years over a period not exceeding ten years, and thereafter at two yearly intervals.

(*e*) After every examination subsequent to the initial examination, a certificate in Form 36 stating that the workman is not suffering from Silicosis or a certificate in Form 37 stating that the workman is suffering from Silicosis and in what stage, shall be issued and it shall be the duty of the employer to inform the workman of the contents thereof.

88. (*a*) Every workman who is already in service at the time of these rules coming into force, if he desires to become eligible for the benefits under these rules, shall be duly medically examined by an examiner before whom he will be caused to appear by the employer and if found suffering from Silicosis as defined in Rule 82, he shall be entitled to compensation as provided for in the Act. When workman already in service entitled to compensation.

(*b*) If it is found not possible for such workman to be present for initial examination and if he is not examined on the day he presents himself, his name shall be entered in a register maintained for such a purpose and he shall be deemed to have complied with the rules, provided that he reports himself for examination without delay, on being notified subsequently by the employer, of a date and hour on which the examination will be carried out. When workman is deemed to have been medically examined.

89. (*a*) Wherever the Commissioner considers it necessary to be satisfied by post-mortem examination whether a deceased workman had Silicosis and having Post-mortem Examination for Silicosis.

obtained the previous consent of the legal representatives of the deceased, to the performance of such post-mortem examination, he may request any Government Medical Officer, to conduct such an examination and send him a copy of Form 38 to be filled in by him. A Medical Examiner nominated by the employer shall be given an opportunity to be present at such post-mortem examination and shall either agree or disagree with the findings of the Government Medical Officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

(b) The Medical Officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form 38 and if Silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

SCHEDULE 'A'

[*See note above Form* 1]

Industries involving exposure to the risk of Silicosis.

1. Mining—Gold.
2. Porcelain and Pottery Industries
3. Cement Industry
4. Glass Industry
5. China Clay and Talc Industries
6. Sandstone Industry
7. Quarrying or Crushing or Cutting of Stones
8. Manufacture of Bricks and Tiles
9. Foundries and Metal Works.

FORM 1.

(*See Rule* 6 (1).

Deposit of Compensation for Fatal Accident.

(Section 8 (1) of the Workmen's Compensation Act).

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries resulting in the death of workman, whose particulars are given below, which occurred on.....

Name.....

Father's name.....

(Husband's name in case of married woman or widow).

Caste.....

Local Address.....

Permanent Address.....

His/Her monthly wages are estimated at Rs.....He was over/under the age of 15 years at the time of his/her death.

2. The said workman has, prior to the date of his/her death received the following payments as compensation for disablement, namely:—

Rs..... on..... Rs..... on.....
Rs..... on..... Rs..... on.....
Rs..... on..... Rs..... on.....

amounting in all to Rs.....

3. An advance of Rs..... has been made on account of compensation to ..... being his/her dependant.

4. I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

.....

Date..... 195 . Employer.

FORM 2.

(*See Rule* 6 (1).

Deposit of Compensation for non-fatal accident to a woman or person under legal disability.

(Section 8 (1) of the Workmen's Compensation Act).

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries sustained by ..... residing at ..... on ..... 195 resulting in the loss of—temporary disablement. His/Her monthly wages are estimated at Rs ..... He/She was over/under the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half-monthly payments, namely :—

Rs..... on ..... Rs..... on .....
Rs..... on ..... Rs..... on .....
Rs..... on ..... Rs..... on .....

.....

Date ..... 195 . Employer.

FORM 3.

(*See Rule* (6).

Receipt and Compensation.

(Deposited under Section 8 (1) of the Workmen's Compensation Act, 1923).

Book No. Receipt No. Register No.

Depositor..... .....

Deceased Workman.....

Date of deposit ..... 195 .

Sum deposited Rs.....

.....

Commissioner.

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FORM 4.

(*See Rule* 6).

Statement of Disbursements.

(Section 8 (4) of the Workmen's Compensation Act, 1923).

Serial No.....

Depositor.....

Date.

		Rs.
	Amount deposited	
	Funeral expenses paid	
	Compensation paid to the following dependants Name Relationship	
	Total	

.....

Date.....19 Commissioner.

FORM 5.

(*See Rule* 9).

Deposit of Compensation for Non-fatal Accidents.

(Section 8 (2) of the Workmen's Compensation Act, 1923).

Compensation amounting to Rs... ..... is hereby presented for deposit in respect of ——permanent/temporary—— injuries sustained by .....residing at ..... which occurred on ..... 195 .

.....

Date .....19 . Employer.

FORM 6.

(*See Rule* 9).

Receipt for Compensation.

(Deposited under Section 8 (2) of the Workmen's Compensation Act, 1923).

Book No. Receipt No. Register No.

Depositor.....

In favour of.....

Date of deposit.....195 .

Sum deposited Rs.....

.....

Commissioner.

FORM 7. 266

(*See Rule* 12).

Report of Fatal Accidents.

To.....

Sir,

I have the honour to submit the following report of an accident which occurred on ..... (date), at ..... (here enter details of premises)..... ... and which resulted in the death of the workman/workmen of whom particulars are given in the statement annexed.

2. The circumstance attending the death of the workman/workmen were as under:—

(*a*) Time of the accident.

(*b*) Place where the accident occurred.

(*c*) Manner in which deceased was/were employed at the time.

(*d*) Cause of the accident.

(*e*) Any other relevant particulars.

Yours faithfully.

.....

Signature and designation of person making the report.

STATEMENT.

Name	Sex	Age	Nature of employment	Full Postal address
(1)	(2)	(3)	(4)	(5)

FORM 8.

[SEE RULE 21].

APPLICATION FOR COMPENSATION BY WORKMAN.

To

The Commissioner for Workmen's Compensation.....

.....

.....

residing at.....applicant.

Versus

.....

residing at.....Opposite party.

It is hereby submitted that—

(1) the applicant, a workman employed by (a contractor with) the opposite party on the.....day of .....195 .....received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary language the cause of the injury)..... .....

.....

.....

(2) the applicant sustained the following injuries, namely :—

.....

.....

(3) the monthly wages of the applicant amounted to Rs..... the applicant is over/under the age of 15 years.

*(4) (*a*) Notice of the accident was not served on the..... .....day of.....

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of.....

(5) the applicant is accordingly entitled to receive :—

(*a*) half-monthly payments of Rs..... from the..... day of.....195 .....to.....

(*b*) a lumpsum payment of Rs.....

(6) the applicant has taken the following steps to secure a settlement, by agreement, namely.....

.....

but it has proved impossible to settle the questions in dispute because

.....

*You are therefore requested to determine the following questions in dispute, namely :—

(*a*) Whether the applicant is a workman within the meaning of the Act;

(*b*) Whether the accident arose out of and in the course of the applicant's employment;

(*c*) Whether the amount of compensation claimed is due, or any part of that amount;

(*d*) Whether the opposite party is liable to pay such compensation as is due.

.....

Dated the..... Applicant.

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FORM 9.

[SEE RULE 21].

APPLICATION FOR ORDER TO DEPOSIT COMPENSATION.

To—The Commissioner for Workmen's Compensation.

.....

.....

residing at.....applicant.

Versus

.....

residing at.....Opposite party.

It is hereby submitted that—

(1).....a workman employed by (a contractor with) the opposite party on the..... day of.....195 .....received personal injury by accident arising out of and in the course of his employment resulting in his death on the..... .....day of.....195 .

The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....

.....

(2) The applicant (s) is a/are dependant (s) of the deceased workman; being his.....

(3) The monthly wages of the deceased amount to Rs..... The deceased was over/under the age of 15 years at the time of his death.

*(4) (*a*) Notice of the accident was served on the..... .. day of.....195 .

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of.....

.....

(5) The deceased before his death received as compensation the total sum of Rs.....

(6) The applicant (s) is/are accordingly entitled to receive a lumpsum payment of Rs.....

(7) The applicant (s) has/have requested the opposite party to deposit compensation and the latter has refused/omitted to do so.

*You are therefore requested to determine the following questions in dispute, namely—

(*a*) whether the deceased was a workman within the meaning of the Act.

(*b*) whether the accident arose out of and in the course of the deceased's employment.

(*c*) whether the amount of compensation claimed is due, or any part of that amount,

(*d*) whether the opposite party is liable to pay such compensation as is due.

(*e*) whether the applicant (s) is a/are dependant (s) of the deceased.

(*f*) how the compensation, when deposited, should be distributed.

(*g*) etc. (as required).

.....Applicant.

Date.....

*Strike out the clauses which are not applicable.

FORM 10.

[SEE RULE 21]

APPLICATION FOR COMMUTATION.

(Under Section 7 of the Workmen's Compensation Act, 1923).

To—The Commissioner for Workmen's Compensation.

.....

residing at.....applicant.

Versus

.....

residing at.....opposite party.

It is hereby submitted that.—

(1) The applicant/opposite party has been in receipt of half-monthly payments from.....to.....in respect of temporary disablements by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (*a*) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(*b*) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payment should be redeemed.

You are therefore requested to pass orders—

(*a*) directing that the right to receive half-monthly payments should be redeemed.

(*b*) fixing a sum for the redemption of the right to receive half-monthly payments.

.....Applicant.

Date.....

FORM 11.

[SEE RULE 40]

NOTICE.

Whereas a claim for compensation has been made by..... applicant against.....and the said..... has claimed that you are liable under Section 12(2) of the Workmen's Compensation Act, 1928, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on ....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party, in default of your appearance, you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

.....

Commissioner.

Date.....19

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FORM 12.

NOTICE.

Whereas a claim for compensation has been made by .....
.....applicant, against.....and
the said.....has claimed that.....
.....is liable under Section 12 (2) of the Workmen's Compensation Act, to indemnify him against any claim, and whereas the said.....on notice served has claimed that you.....stand to him to the relation of a contractor from whom the applicant.....could have recovered compensation you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the said applicant or the claim for indemnity made by the opposite party..... In default of your appearance you will be deemed to admit the validity of any award made against the opposite party..... your liability to indemnify the opposite party..... for any compensation recovered for him.

.....

Commissioner.

Date.....*19*

FORM 13.

(See Rule 49).

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the ..... day of ....195 , personal injury was caused to..... .....residing at.....by accident arising out of and in the course of employment in..... .....The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning $\frac{\text{more than his previous}}{\text{any}}$ wages for a period of.....months. The said workman has been in receipt of half-monthly payments which have continued from the.....day of.....195 , until the .....day of .....195 . amounting to Rs. .....in all. The said workman's monthly wages are estimated at Rs. .....

The workman $\frac{\text{is over the age of 15 years}}{\text{will reach the age of 15 years on}}$

It is further submitted that.....the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs. .....in full settlement of all and every claim under the Workmen's Compensation Act, 1928, in respect of all disablement of a temporary nature arising out of the said accident whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated..... .....

Signature of employer.....

Witness .....

Signature of workman .....

Witness .....

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party as agreed to the terms. But both signature should be appended whenever possible.)

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs. .....

.....

.....Workman.

Date..... .....*19* .

The money has been paid and this receipt signed in my presence.

Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational ease, agreement when workman is under legal disability, etc.

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FORM 14.

(See Rule 49).

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the.....day of..... .....19 , personal injury was caused to..... residing at.....by accident arising out of and in the course of his employment in..... .....

The said injury has resulted in permanent disablement to the said workman of the following nature, namely..... ... ...
The said workman's monthly wages are estimated at Rs. ....The workman is over the age of 15 years / will reach the age of 15 years on
The said workman has, prior to the date of this agreement, received the following payments, namely :—

Rs. ..... on.....Rs. .....on .....
Rs. .....on.....Rs. .....on .....
Rs. .....on.....Rs. .....on .....

It is further submitted that.....the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs. ....in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.
Dated.....

Signature of employer.....
Witness .....

Signature of Workmen.....
Witness .....

NOTE.—An application to register an agreement can be pressed under the gnature of one party provided that the other party has agreed to the terms. But both natnres should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.....

.....Workman.

Date .....

he money has been paid and this receipt signed in any presence.

.....

Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

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FORM 15.

(See Rule 49).

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the..... .....
day of..... .....19 .....personal injury was
caused to.....residing at .....
by accident arising out of and in the course of employment in.....
.....The said injury has resulted in temporary
disablement to the said workman, who is at present in receipt of.....
Wages amounting to Rs.....per month.
....
no wages
The said workman's monthly wages prior to the accident are estimated
at Rs. .....The workman is subject to a legal disability
by reason of..... .....

It is further submitted that.....the employer of
the workman has agreed to pay and ....on behalf of
the said workman has agreed to accept half-monthly payments at the
rate of Rs. ..... for the period of the said temporary
disablement. This agreement is subject to the condition that the
amount of half-monthly payments may be varied in accordance with
the provisions of the Workmen's Compensation Act on account of an
alteration in the earnings of the said workman during disablement.
It is further stipulated that all rights of commutation under Section 7
of the said Act are un-affected by this agreement. It is therefore
requested that this memorandum be duly recorded.

Dated.....195 .

Signature of employer.....

Witness .....

Signature of workman.....

Witness .....

NOTE.—An application to register an agreement can be presented under the signature of one party provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs. .....

.....Workman.

Date.....19 .

This money has been paid and this receipt signed in my presence.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, etc.

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FORM 16.

(*See Rule* 50).

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas.....has/have applied for registration of the agreement under Section 27 of the Workmen's Compensation Act, notice is hereby given that the said agreement will be taken into consideration on..... .....19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

.....

Date.....*19* *Commissioner.*

FORM 17.

(*See Rules* 50 *and* 51.)

Take notice that registration of the agreement to pay compensation said to have been reached between you..... . ...and on the.....19 , has been refused for the following reasons, namely : —

.....

.....

Date.....*19* *Commissioner.*

FORM 18.

(*See Rule* 47).

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas .....has/have applied for registration of the agreement under Section 27 of the Workmen's Compensation Act, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....

.....

an opportunity will be afforded to you of showing cause on..... .....19 . why the said agreement should be registered. If not adequate cause is shown on that date, registration of the agreement will be refused.

.....

Date.....*19* *Commissioner.*

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FORM 19.

(*See Rule* 51).

Whereas an agreement to pay compensation is said to have been reached between .....and..... whereas has/have applied for registration of the agreement under Section 27 of the Workmen's Compensation Act, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....

an opportunity will be afforded to the said..... of showing cause on.....19 ..... why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

.....

Date.....19 *Commissioner*.

FORM 20.

(*See Rule* 53).

Register of Agreements for the year 19

Serial No.	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference to orders rectifying the registration.
1	2	3	4	5	6	7

.....

Date.....19 *Commissioner*.

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FORM 21.

(*See Rule* 64).

Register of applications of the settlement of any matter under the Wormen's Compensation Act, XIV of 1928, in the year .....

(1) Date of presentation or receipt of application.
(2) Number of application.
(3) Name
(4) Description } of applicant.
(5) Address
(6) Name
(7) Description } of the opposite party.
(8) Address
(9) Particulars
(10) Amount of value } of claim.
(11) When the cause of action accrued

Appearance—

(12) Applicant
(13) Opposite party } Day for parties to appear.
(14) Date
(15) For whom } Judgment.
(16) For what or amount
(17) Date of decision
(18) Judgment in
(19) Date of application
(20) Date of order } Execution
(21) Against whom
(22) For what
(23) Amount, if any
(24) Amount of costs
(25) Amount paid into Court
(26) Minute of other return than payment and date of every return. } Return of execution

NOTE.—Where there are numerous applications or numerous opposite parties the name of the first applicant or the first opposite party, only as the case may be, need be entered in the register.

FORM 22.

(*See Rule* 64).

Register of *sub poena* applications filed in the Court of the Commissioner for Workmen's Compensation.

Serial number and date of receipt.	Settlement application number	Applicant's name	Applicant's position in the settlement application	Process fees		Checking Officer's initials	Date of hearing	Date of issue	Names of witnesses	Batta deposited	To whom delivered for service and date of payment	Mode of service	Unexpected Batta		Date of payment to Treasurer and his initials	Remarks
													Date of return	Amount		
1	2	3	4	5		6	7	8	9	10	11	12	13	14	15	16
				Rs.	A.									Rs. A.		

FORM 23.

(*See Rule No.* 64).

Register of Processes delivered for Service.

Serial No.	Settlement application number	Nature of process	Number of copies	Date of delivery for service	Returnable date	When returned	Mode of Service		Initials of Clerk	Remarks
							Served	Unserved		
1	2	3	4	5	6	7	8	9	10	11

FORM 24.

(*See Rule No.* 64).

Register of Court fees on applications filed in the Court of the Commissioner for Workmen's Compensation.

Serial number	Settlement application number	Nature of application	Court fee		Process fees		Search fees		Remarks
1	2	3	4		5		6		7
			Rs.	a.	Rs.	a.	Rs.	a.	

FORM 25.

(*See Rule* 64).

Register of deposits received from and re-payments made to parties.

Receipts.—

(1) Date
(2) Number of each deposit.
(3) Reference to application.
(4) From whom received and position of depositor.
(5) Nature of each deposit.
(6) Amount of each deposit.
(7) Initials of the Chief Ministerial Officer.

Re-payments.—

(8) Date.
(9) To whom and position of recipient.
(10) Reference to and date of Commissioner's Order ordering re-payment.
(11) Amount and whether paid in cash or by cheques.
(12) Initials of the Chief Ministerial Officer.

FORM 26.

(*See Rule No.* 64).

Statement showing the number of Miscellaneous applications filed in the Court of the Commissioner for Workmen's Compensation.—

Serial number	Application number	Date of file	Nature of applications	Date of hearing	Date of disposal	Orders
1	2	3	4	5	6	7

FORM 27.

(*See Rule 64*).

Register showing the receipt and disposal of applications for copies in the Court of the Commissioner for Workmen's Compensation.

Month and date	General Number	No. of Application	Name of applicant	Description of paper	Charges			Given to Copyist		Given to Examiner		Copy ready			Date of delivery of copy and return of un-used stamps	Signature of Applicant
					When called for	When deposited	No. of Stamps	Date	Initials	Date	Initials	Date	Number of Stamps			
													Used	Not used		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

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FORM 28.

(*See Rule* 65).

CAUSE TITLE.

IN THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION.

Application No. of 19 .

Between

(1) T. Ramaswami Chetti and (2) T. Sivaswami ...*Applicants.*

And

(1) M. Muniswami Pillai and (2) M. Ramaswami Pillai...*Opposite Parties.*

FORM 29.

(*See Rule* 65 (2).

SHORT CAUSE TITLE.

IN THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION.

Application No. of 19 .

Between

(1) T. Ramaswami Chetti and five others ... ...*Applicants.*

And

(2) M. Muniswami Pillai and four others ... *Opposite parties.*

FORM 30.

(*See Rule* 66)

(CAUSE TITLE.)

Application.

The abovenamed applicants state as follows :—

(1) T. Ramaswami Chetti, the first applicant is a workman and resides at.....

(2) .....

The address of the applicants for service of all notices and process is.....

2. M. Muniswami Pillai, the first named opposite party is the employer of.....and resides at.....

3. (Set out the facts showing the cause of action, in consecutive numbered paragraphs).

4. The applicants estimate value of the relief sought by them at the sum of Rs.....

5. The applicants pray that.....

(*a*) -Set out reliefs claimed in successive paragraphs).

Sd. T. RAMASWAMI CHETTI.

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FORM 31.

(*See Rule* 67).

List of Documents under Rule.....

(CAUSE TITLE).

Serial No.	Date, if any, of document in Vernacular and in English.	Parties to the document	Description of document
1	2	3	4

Signed.....

Applicant or (opposite party) or pleader or representative of the applicant or opposite party.

FORM 32.

(*See Rules* 70 *and* 71).

FORM OF APPLICATION FOR SEARCH OF RECORDS.

To

The Commissioner for Workmen's Compensation.....

The undersigned hereby applies for inspection.

Name and address of applicant in full	Description of records as far as possible	Whether copy or inscription is required	Purpose for which inspection or copy is required	Order of Court, if any, under which application is made

Dated... .....19 Signature of Applicant.

FORM 33.

THE WORKMEN'S COMPENSATION RULES.

Application for Payment of Compensation.

I, the undermentioned workmen, hereby apply, under the Workmen's Compensation Rules, for compensation for Silicosis contracted in the course of my employment.—

1. Name in full ... ...
2. Address in full ... ...
3. Names and addresses and relationship of dependants. .....
4. Name of the employer under whom the workman worked last with record of service. .....
5. Particulars of earnings ... .
6. Particulars of claim ... .

I hereby declare that what is stated above is correct.

To Signature of the applicant.

The Commissioner for Workmen's Compensation,
.....District,
.....

FORM 34.

THE WORKMEN'S COMPENSATION RULES.

Application for Compensation by a Dependant.

I, or we, the dependant or dependants of the deceased workman named.....an employee in the..... (name of the concern or firm) apply for compensation for Silicosis contracted by the workman in the course of his employment and as a result of which he died.

1. Name(s) of dependant(s) in full ... .
2. Address ... ...
3. Age ... ...
4. Relationship to the deceased workman .....
5. Occupation ... ...
6. Particulars of earnings ... .
7. Particulars of claim ... ...
8. Name of the deceased workman in full with name of last employer and record of service thereunder. .....
9. Date of his death ... ...
10. Cause of his death (Post-mortem certificate to be attached). .....

I/we hereby declare that I am/we are the..... of the late.....and the statements contained in the above application form are true and correct.

Signature of the applicant (s).

FORM 35.

THE WORKMEN'S COMPENSATION RULES.

Initial Certificate.

(Issued without alteration).

Expires..... Name of concern or firm.....

Name in full..... Address.....

This is to certify that the abovenamed applicant on the ....day of.....195.....underwent the examination prescribed by Rule 85 (a) of the Workmen's Compensation Rules of 195..., and was then free from any disease of the lungs and respiratory organs and was in other respects physically fit for work in industries specified in Schedule 'A'

Signature or left thumb impression of applicant.

Marks of identification.—

(1)

(2)

Place.....

Date..... .....

Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on.....and will be of no effect after that date.

FORM 36.

THE WORKMEN'S COMPENSATION RULES.

Periodical Certificate.

(Issued without alteration).

Name in full ..... Expires on.....

Address .....

This is to certify that the abovenamed workman on the .... day of ..... 19 , underwent medical examination prescribed by Rule 85 (d) of the Workmen's Compensation Rules and that he was not then suffering from Silicosis.

Signature or left thumb impression of the Workman.

Marks of identification :—

(1)

(2)

Place .....

Date .....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the ..... and will be of no effect after that date.

FORM 37.

THE WORKMEN'S COMPENSATION RULES

(Issued without alteration)

Expires on .....

Name in full .....

Address ....

This is to certify that the abovenamed workman on the .... day .... 195 , underwent medical examination prescribed by Rule 85 (d) of the Mysore Workmen's Compensation Rules and that he was then suffering from Silicosis.

..... (State stage).

Signature or left thumb impression of the Workman.

Marks of identification :—

(1)

(2)

Place .....

Date .....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the .... and will be of no effect after that date.

FORM 38.

THE WORKMEN'S COMPENSATION RULES.

Report of Post-mortem Examination.

I have this day at ... . made a post-mortem examination on a body.

Name .....

Address .....

Designation .....
and as a result of my examination I find (here state what diseases were found to be present).
and I certify that the cause of death was .....
.....
and the deceased was (not) at the time of his death suffering from Silicosis ..... or ..... that Silicosis was (not) present as a contributing or ..... pre-disposing factory or cause of his death ..... or ... . that Silicosis was a contributing but not a pre-disposing cause of his death ..... or ..... that Silicosis was a pre-disposing but not a contributing cause of his death. (If silicosis were present as contributing or a pre-disposing cause of death, state the condition found in the organs stated below and comply with the provision of Rule 87 printed below).

Hilar Glands

Pleura ... { Right / Left

Lungs ... { Right / Left

Any abnormalities in other organs.

Address .....
Dated .....

Medical Practitioner.

N.B.—1. Strike out inapplicable clauses and attest.

87. (*a*) Whenever the Commissioner considers it necessary to be satisfied by post-mortem examinations whether a deceased workman had Silicosis and having obtained the previous consent of the legal representative of the deceased, to the performance of such post-mortem examination, he may request any Government medical officer to conduct such an examination and send him a copy of Form 38 to be

filled in by him. A Medical Examiner nominated by the employer shall be given an opportunity to be present at such post-mortem examination and shall either agree or disagree with the findings of the Government Medical Officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

(*b*) The Medical Officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form 38 and if silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

FORM 39.

Whereas I have received information that*..... a workman employed by you in at †..... has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with Section 10-A of the Workmen's Compensation Act, 1923, to submit to me within thirty days of the receipt of this notice a statement in the enclosed form with the particulars required in paragraphs 1 and 2 and the particulars required either in paragraph 3 or in paragraph 4, duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under Section 10-A (2) of the Act, be made within thirty days of the receipt of this notice.

Commissioner for Workmen's Compensation.

*Insert name of workman. † Insert name of establishment.

FORM 40.

In reply to your notice, dated the .....19 , which was received by me on the .....19 , it is submitted that *..... residing at ..... a workman over/under 15 years of age employed in † .... met with an accident on the .....19 , as a result of which he died on the .....19 . The monthly wages of the deceased amounted to Rs. .....

2. The circumstances in which the deceased met his death were as follows :—

(One of these paragraphs to be struck out.)

3. I admit liability to pay as compensation, on account of the deceased's death, the amount of Rs. ..... which was/will be deposited with you on/before the .....19 .

4. I disclaim liability to pay compensation on account of the deceased's death on the following grounds :—

5. The name and addresses of the dependants of the deceased so far as known to me are :—

.....

EMPLOYER.

*Insert name of workman. † Insert name of establishment.

FORM 41*

Form of Notice Book required to be maintained under Section 10 (3) of the Workmen's Compensation Act, 1923.

Date of accident and time, if known	Name of workman injured	Address of workman injured	Cause of injury	Date and time of notice	Thumb impression or signature of person giving notice
1	2	3	4	5	6

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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PART IV

Section 1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D 991—Legis. 33-52-4, dated Bangalore, 1st September 1952.

In pursuance of the adoption of a motion by Parliament on the 30th July 1952 the Muslim Wakfs Bill, 1952, with the Statement of Objects and Reasons, is hereby published for the purpose of eliciting opinion of the public thereon.

The last date within which opinions may be sent is the 30th October 1952.

Opinions should be sent addressed to the Secretary to Government of Mysore, Law Department, Old Public Offices, Bangalore 1.

Opinions sent direct to the Parliament Secretariat, New Delhi, or to any other Ministry of the Government of India will not be considered.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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Bill No. 85 of 1952.

THE MUSLIM WAKFS BILL.

[As introduced in the House of the People].

A

BILL

to provide for the better governance and administration of Muslim Wakfs and the supervision of Mutawallis' management of them, in India.

Be it enacted by Parliament as follows :—

CHAPTER I.

Preliminary.

1. *Short title, extent and commencement.*—(1) This Act shall be called the Muslim Wakfs Act, 19 .

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) This section and sections 2 to 4 shall come into force at once. The rest of the Act shall not come into force until such date as the Government may by notification in the Official Gazette, appoint in this behalf.

2. *Application of the Act.*—This Act shall apply to all Wakfs whether created before or after the commencement of this Act and situated in any of the following States :—

Bombay, Madhya Pradesh, Madras, Orissa, Punjab, West Bengal, Hyderabad, Madhya Bharat, Mysore, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Bhopal,

and Chapter III of the Act shall further apply to all Wakfs situated in Bihar, Uttar Pradesh, Ajmer and Delhi :

Provided that the Union Government may by notification in the Official Gazette apply the Act to Wakfs situated in any other States or the whole of the Act to the Wakfs situated in Bihar, Uttar Pradesh, Ajmer or Delhi :

Provided further that the Union Government on the recommendation of a State Government may by notification in the Official Gazette exempt any Wakfs from the operation of this Act.

3. *Definitions.*—In this Act unless there is anything repugnant in the subject or context,—

(*a*) 'Alim' means a person who is a diploma holder of a 'madarsa Arabia' as defined in clause (7) of this section ;

(*b*) 'beneficiary' means a person or object for whose benefit a wakf is created and includes religious, pious and charitable objects, and any other objects of public utility established for the benefit of the Muslim community ;

(*c*) 'benefit' does not include any benefit which a mutawalli is entitled to claim solely by reason of his being such mutawalli ;

(*d*) 'Board' means Board of Muslim Wakfs constituted under this Act ;

(*e*) 'court' means unless otherwise stated either expressly or by implication, the court of the District Judge, or any court empowered by the Government to exercise jurisdiction under this Act ;

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(*f*) 'family' includes :—

(*a*) descendants,

(*b*) parents and grand parents,

(*c*) wife or husband, and

(*d*) persons related through any ancestor male or female, who live with and are maintained by the wakf ;

(*g*) 'Jamiat-Ulema' means Jamiat-Ulamai-Hind which has got its head-office at Delhi and includes all its branches in the various States of India ;

(*h*) 'madarsa Arabia' includes any educational institution wherein,—

(i) the Nizami Course or Shia Theological Course or Oriental Course of studies is prescribed for grant of degrees :

Provided that a madarsa in which Shia Geological Course is prescribed shall be called 'Shia madarca Arabia' and all the rest shall be called 'Sunni madarsa Arabia',

(ii) there are at least two teachers to teach Arabic, and

(iii) the annual budget, at least for the previous two years has amounted to a sum of five thousand rupees ;

(*i*) 'mutawalli' means a manager of a wakf or endowment and includes, an *Amin*, a *Sajjadanishin*, a *Mujawar*, a *Khadim*, a *Naib* Mutawalli, a committee of management and save, as otherwise provided in this Act any person who is for the time being in-charge of, or is administering, any endowment as such ;

(*j*) 'net income' means the total income minus land revenue, and other cesses payable to the Government and local bodies ;

(*k*) 'person interested in wakf' means any person who is entitled to receive any pecuniary or other benefit from the wakf and includes,—

(i) any person who has a right to worship or to perform any religious rite in a mosque, *idgah*, *imambara*, *dargah*, *khanqah*, *maqbara*, graveyard or any other religious institution connected with the wakf or to participate in any religious or charitable institution under the wakf ;

(ii) the 'wakif' and any descendant of the wakif, and the mutawalli ;

(*l*) 'prescribed' means prescribed by rules made by the Government and includes bye-laws made by the Board under this Act ;

(*m*) 'property' includes Government security bonds, shares in firms, and companies, stocks, debentures, and other securities and instruments ;

(*n*) 'Shia Conference' means All India Shia Conference which has its head-office at Lucknow and includes all its branches in the various States of India ;

(*o*) 'Shia Political Conference' means All India Shia Political Conference and includes all its branches in the various States of India.

CHAPTER II.

Survey of Wakfs and Boards of Wakfs.

4. *Survey of wakfs.*—(1) Within three months of the commencement of this Act the Government of each of the States to which this Act applies shall by notification in the Official Gazette appoint for each district a Gazetted Officer, either by name or by official designation, for the purpose of making a survey of all wakfs. Such Officer shall be called "The Commissioner of Wakfs".

(2) The State Government may, from time to time when necessary, cancel any appointment made under sub-section (1) or make a new appointment.

(3) "The Commissioner of Wakfs" shall, after making such enquiries as he may consider necessary, ascertain and determine,—

(*a*) the number of all Muslim wakfs showing Shia or Sunni wakfs respectively:

Provided that when there is a dispute whether a particular wakf is a Shia wakf or a Sunni wakf and there are clear indications as to the sect to which it pertains in the deed of wakf, such dispute shall be decided on this basis;

(*b*) the nature of each wakf,

(*c*) the gross income of property comprised in the wakf,

(*d*) the amount of Government Land Revenue cesses and taxes payable in respect of wakf property,

(*e*) expenses incurred in the realization of the income and the pay of the Mutawalli of each wakf.

(4) In making such enquiries as aforesaid the Commissioner of Wakfs shall exercise all the powers of a civil court for summoning and examining witnesses and documents, making local inspections, appointing commissioners for examination of witnesses, examining of accounts and making local investigations.

(5) The Commissioner of Wakfs shall submit his report of enquiry to the Government.

(6) The total cost of carrying out the provisions of this section and section 5 shall be borne by the Mutawallis of all wakfs in proportion to the income of the property of such wakf situated in the State to be assessed by the Chief Commissioner of Wakfs appointed under section 5.

(7) Notwithstanding anything contained in the deed or instrument of creating any wakf, any Mutawalli may pay from the income of the wakf any sum due from him under sub-section (6).

(8) Any sum due from a Mutawalli under sub-section (6) may, on a certificate issued by the Government, be recovered in the manner provided by law for recovery of an arrear of Land Revenue.

5. *Appointment of Additional Commissioners of Wakfs.*—(1) In addition to the Commissioner of Wakfs, appointed under section 4, the Government may, by notification in the Official Gazette appoint as many "Additional Commissioners of Wakfs" in each State as it may think necessary. The duties and powers of the Additional Commissioners of Wakfs shall be the same as those of the Commissioners of Wakfs under section 4.

(2) One of such Additional Commissioners of Wakf shall be appointed the 'Chief State Commissioner of Wakfs' for the purpose of sub-section (3).

(3) The Chief State Commissioner of Wakfs shall apportion the work of survey between the Additional Commissioners of Wakfs in such manner as he may think proper, and shall direct by whom any enquiry made or report should be submitted and such an enquiry made or a report submitted by an Additional Commissioner of Wakf shall, for the purposes of this Act, be deemed to be the inquiry or report, as the case may be of the Commissioner of Wakfs, under sub-section (5) of section 4:

Provided that a survey made in the State before the commencement of the Act shall be deemed to have been made under the Act.

6. *Commissioner's report.*—(1) The Government shall forward a copy of the report of the Commissioner of Wakfs to the Board. The Board shall as soon as

possible notify in the Official Gazette the wakfs, to which, according to such reports the provisions of this Act apply.

(2) The Mutawalli of a Wakf or any person interested in a wakf or the Board may bring a suit in a Civil Court of competent jurisdiction for a declaration that any transaction held by the Commissioner of Wakfs to be a wakf, is not a wakf, or any transaction held or assumed by him not to be a wakf, is a wakf or that wakf held by him to pertain to a particular sect does not belong to that sect:

Provided that no such suit shall be instituted by the Board after more than two years of the receipt of the report of the Commissioner of Wakfs and by a Mutawalli or person interested in a wakf after more than two years after notification referred to in sub-section (1):

Provided further that no proceedings under this Act in respect of any wakf shall be stayed or suspended merely by reason of the pendency of any such suit or of any appeal arising out of any such suit.

(3) Subject to the final result of any suit instituted under sub-section (2) the report of the Commissioner of Wakfs shall be final and conclusive.

(4) The Commissioner of Wakfs shall not be made a defendant to any suit under sub-section (2) and no suit shall be instituted against him for anything done by him in good faith in due discharge of his duties under the Act.

7. *Establishment of Board.*—(1) Each State Government shall establish within its territory a 'Board of Muslim Wakfs'.

(2) Each such Board shall be a body corporate, and shall have perpetual succession and a common seal, with power to acquire and hold property and to transfer any such property subject to the conditions and restrictions prescribed and shall by its said name, sue and be sued.

8. *Constitution of the Board.*—'The Board' shall consist of,—

(*a*) four members to be elected in the manner prescribed by Muslim members of the respective State Legislatures,

(*b*) four members to be elected in the manner prescribed by the Muslim members of the district boards, Municipal Boards, Town area and Notified area Committees of the respective States,

(*c*) four members to be elected in the manner prescribed by the Jamiat-Ulema and the teachers of the Sunni Madarsas Arabia,

(*d*) two members to be elected in the manner prescribed, by Shia Political Conference and Shia Conference and the teachers of the Shia Madarsas Arabia,

(*e*) One Mutawalli to be co-opted by the Sunni members of the Board and one Mutawalli to be co-opted by the Shia members of the Board,

(*f*) the President to be elected by the members of the Board if he is not one of the above seventeen members:

Provided that no Mutawalli of a Wakf shall be entitled to be elected in any of the categories save as provided in clause (*e*):

Provided further that where any one of the bodies referred to in sub-clauses (*c*) and (*d*) does not exist, the right of election shall be vested in the other body or bodies mentioned in each sub-clause respectively which is or are existing at that time.

9. *Election of Members.*—(1) If at any election of the Board no Muslim member is available under clauses (*a*) and (*b*) of section 8, the requisite number of such members shall be elected by the bodies referred to in sub-clauses (*c*) and (*d*) to the extent of one half each and on their failure to do so within the time fixed by the State Government, the deficiency shall be made up by nomination by the State Government.

(2) If the bodies referred to in clauses (*c*) and (*d*) fail to return the requisite number of members within the time as may be fixed by the State Government the deficiency shall be made up by nomination by the State Government.

10. *Disqualification of a member.*—A person shall not be eligible for appointment or election as a member, if such person—

(*a*) is not a Muslim ;

(*b*) is less than twenty years of age ;

(*c*) is of unsound mind ; and stands so declared by a competent court ;

(*d*) has applied for being adjudged an insolvent or is an undischarged insolvent ;

(*e*) has been convicted of any offence under this Act ;

(*f*) has been convicted of any such offence or is subjected by a criminal court to any such order as implies moral turpitude ; and

(*g*) has on any previous occasion, been removed from office or by order of a competent court from any position of trust either for mismanagement or for corruption.

11. *Term of Membership.*—The members of the Board shall hold office for five years :

Provided that an elected or co-opted member shall, notwithstanding the expiration of his term of office, continue to hold office until the vacancy caused by expiration of the said term has been filled.

12. *Situation of Office.*—The office of the Board shall be located at such a place as is determined by the State Government.

13. *Quorum.*—The quorum for a meeting of the Board shall be seven.

14. *Decision.*—The decision of the Central Board shall be by a majority of its members present and voting. In case of equal division the President shall have a second or a casting vote :

Provided that the question of the use of surplus fund of Sunni or Shia Wakfs or the income of wakfs in accordance with the cypres doctrine and in case of those wakfs the objects of which are not evident from any written instruments or in cases in which the objects for which they were created have ceased to exist, shall be determined by the Board, by the votes, of only Sunni or Shia members present at the voting in respect of Sunni or Shia Wakfs respctively.

15. *Meetings of the Board.*—(1) The Board shall meet for the transaction of the business at least once in every three months and as often as is necessary to meet for the transaction of the business.

(2) Every meeting of the Board shall be convened by the Secretary, under the direction of the President and at least three weeks' notice shall be given to the members.

16. *Special Meetings of the Board.*—The special meetings of the Board shall be called by the President on the receipt of a requisition signed by not less than six members and specifying the business to be transacted at such meeting :

Provided that if the President fails to call such meeting within one month after the receipt of such a requisition, the meeting shall be called by the members who have signed the requisition,

17. *President and Secretary.*—(1) Each Board shall have a President and a Secretary who shall be Muslims :

Provided that no Mutawalli of a wakf or a Government Treasurer or a whole-time servant of the Government or the servant of any wakf administration, shall be elected as the President.

(2) Immediately after the formation of the Board and subsequently whenever it becomes necessary by reason of an existing or anticipated vacancy or otherwise to appoint a President, the Board shall elect one of its members or any other person as its President. The President shall be honorary and shall hold office for a term of five years, but if he is a member of the Board his term shall expire on the expiry of his term as a member.

(3) The Board shall appoint a Government Gazetted Officer as its whole-time Secretary on such terms or allowances and other conditions of service as may be prescribed:

Provided that if a Government Gazetted Officer is not available the Board may appoint another person.

18. *Staff of Board.*—(1) The Board may appoint such officers and staff including superintendents of wakfs, inspectors, auditors, and the like, on such salaries, allowances and conditions of service as may be necessary for the purpose of this Act and for such a period as it may think fit.

(2) The President, Secretary and all other persons appointed under sub-section (1) shall be deemed to be public servants within the meaning of the Indian Penal Code, 1860.

(3) The Board may fine, suspend dismiss or remove a Secretary who is not a Government Gazetted Officer, or any other person appointed by it under sub-section (1):

Provided that the Secretary who is a Government Gazetted Officer, shall be liable to removal by the State Government on the recommendation of the Board.

19. *Functions of the Board.*—(1) The General Superintendence of all wakfs to which this Act applies shall vest in the Board. The Board shall do all things reasonable and necessary to ensure that wakfs or endowments under its superintendence are properly maintained, controlled and administered and duly appropriated to the purposes for which they were founded or for which they exist.

(2) Without prejudice to the generality of the provisions of sub-section (1) the powers and duties of the Board shall be,—

(*a*) to complete and maintain an authentic record of rights containing information relating to the origin, income, object and beneficiaries of every wakf in each district,

(*b*) to prepare and settle its own budget,

(*c*) to settle and pass budget submitted by the Mutawallis, to the Board:

Provided it is in consonance with the wishes of the wakf and is in accordance with the terms of the deed of wakf, or that of a resolution of the Board, if any,

(*d*) to appoint and remove Mutawallis according to the provisions of this Act,

(*e*) to institute and defend suits and proceedings in a court of law relating to,—

(i) administration of wakfs,

(ii) taking of accounts,

(iii) appointment and removal of Mutawallis in accordance with the deed of wakf,

(iv) putting the Mutawallis in possession of a wakf or removing him from that possession,

(v) settlement or modifications of any scheme or management,

(*f*) to sanction the institution of suits under section 92 of the Code of Civil Procedure, 1908, relating to wakfs, to which this Act applies,

(*g*) to take measures for the recovery of lost properties of any wakf,

(*h*) to settle schemes of management for a wakf or application of surplsu fund of a wakf or income of wakf properties of a wakf in accordance with the cypres doctrine in case of those wakfs, the objects of which are not evident from any written instrument or in cases in which the object for which they were created have ceased to exist,

(*i*) to enter upon and inspect wakf property,

(*j*) to cause inspection to be made of the property and the office of a wakf including accounts, and to authorise the Secretary, or any of its members, officers, or servants for that purpose,

(*k*) to investigate into the nature and extent of wakfs and properties of the wakf and call from time to time accounts and other returns and information from the Mutawallis and give directions for the proper administration of wakfs,

(*l*) to arrange for the auditing of accounts submitted by Mutawallis,

(*m*) to direct, the deposit of surplus money in the hands of a Mutawalli in any approved bank or to utilize it according to the resolution of the Board,

(*n*) to administer the Wakf Fund,

(*o*) to keep regular account of receipts and disbursements and submit the same, in the manner prescribed,

(*p*) to institute when necessary an enquiry relating to the administration of the wakf :

Provided that in the appointment of Mutawallis or making any other arrangement for the management of wakf property, the Board shall be guided as far as possible by the directions of wakf, if any,

(*q*) to sanction leases of properties for more than three years or mortagage or exchange properties according to the provisions of the Muslim Law :

Provided that at least three-fourths of the members of the Board vote in favour of such a transaction,

(*r*) to furnish to the State Government or to any such officer as the State Government may appoint in this behalf, any statement, report, return or other documents or any other information which the State Government or any such officer, as the case may be, may require from time to time,

(*s*) to direct the Mutawalli to institute and defend suits in courts of law, and take necessary action in respect of wakf property :

Provided that in case of failure of Mutawalli to do so, or in case when there is no Mutawalli or when the office of Mutawalli is disputed, the Board shall do all these things itself and shall incur the necessary expenses from the wakf fund,

(*t*) to realise, in the prescribed manner, and subject to prescribed conditions, out of the income of any wakf, the costs incurred by the Board in any of the matters mentioned in clause (*s*), in respect of such wakf,

(*u*) to permit a Mutawalli to retire from his office, and in case the Mutawalli has power to appoint his successor, to permit him to make appointment in his life time.

20. *Delegation of Powers.*—The Board may delegate any of its powers and duties under this Act to the President or Secretary or to any one or more of its members and may likewise withdraw such delegation.

21. *Establishment of Committees.*—The Board whenever it considers necessary, may establish, either generally for a particular purpose or in any specific area or areas, committees for the supervision of wakfs in that area. The constitution,

functions and duties of such committees shall be determined from time to time by the Board:

Provided that it shall not be necessary for the members of such committees that they should be members of the Board also.

22. *Removal of a member.*—The State Government on a report by the Board may, by notification in the Official Gazette, remove any member from the Board if he—

(*a*) refuses to act or becomes incapable of acting as a member of the Board, or

(*b*) becomes subject to any disqualification mentioned in section 10,

(*c*) without excuse, sufficient in the opinion of the Board, is absent without the consent of the Board, for more than six consecutive meetings of the Board.

23. *Resignation of a member.*—A member of the Board may resign his office by giving notice in writing to the President and on such resignation being accepted by the Board, shall be deemed to have vacated his office.

24. *Filling up of a vacancy.*—When a seat of a member becomes vacant by his removal, resignation or death, a new member shall be elected or co-opted as the case may be, in the manner provided in section 8 and shall hold office as long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred:

Provided that no act or order of the Board or its officer shall be deemed invalid by reason only that the member or members of the Board at the time of the preference of such an act or at the passing of such an order was less than the number provided in section 7.

25. *Removal of President.*—The State Government may remove the President if the President,—

(*a*) is or becomes subject to any disqualification specified in section 10,

(*b*) refuses to act or becomes incapable of acting, or acts in a manner which the State Government after hearing any explanation that he may offer, consider to be prejudicial to the interest of wakfs, or

(*c*) if he fails without execuse to attend three consecutive meetings of the Board.

26. *Opinion of the Board.*—The mutawalli of any wakf governed by this Act may apply by petition to the Board for its opinion, advice or direction on any question affecting the management or administration of the property of such wakf and the Board shall give such opinion, advice or direction:

Provided that the Board shall not be bound to give such opinion, advice or direction on any question which is not in its opinion a fit question for summary disposal.

27. *Inspection and copies of Records.*—The Board may grant inspection and copies of its proceedings or other records in its custody on payment of such fees and subject to such conditions as may be prescribed by rules. All copies issued under this section shall be certified by the Secretary of the Board in the manner provided in section 76 of the Indian Evidence Act, 1872.

CHAPTER III.

CENTRAL BOARD OF MUSLIM WAKFS.

28. *Central Board of Muslim Wakfs.*—(1) The Union Government shall establish in the Union of India a Central Board of Muslim Wakfs.

(2) The Central Board of Muslim Wakfs shall be a body corporate and shall have perpetual succession and a common seal, with power to acquire and hold property and to transfer any such property subject to the conditions and restrictions prescribed and shall by its said name sue and be sued.

29. *Constitution of the Central Board.*—The Central Board shall consist of :—

(*a*) one member from each of the following States to be elected by the members of Board of Muslim Wakfs in that State :—

(1) Hyderabad, (2) Madhya Bharat, (3) Madhya Pradesh, (4) Rajastan, (5) East Punjab, (6) Patiala and E.P. States, (7) Orissa, and (8) Saurashtra ;

(*b*) two members from each of the following 3 States to be elected by the members of the Board of Muslim Wakfs in each of the States, one of them being a Shia and the other a Sunni :—

(1) West Bengal ; (2) Bombay ; (3) Madras ;

(*c*) two members to be elected by the members of the two Boards established in U.P. under Muslim Wakf Act, 1936, (XIII of 1936). Each of the two Boards electing one member each separately ;

(*d*) two members to be elected by the members of the two Boards established in Bihar under the Bihar Wakfs Act, 1948 (VIII of 1948). Each of the two Boards electing one member each separately ;

(*e*) two members to be elected by the two Boards established in Delhi under the Delhi Muslim Wakfs Act, 1943, each of the two Boards electing one member each separately ;

(*f*) one member to be elected by the members of the Board of Ajmer constituted under the Durgah Khwaja Sahib Act, 1936 (XXIII of 1936) ;

(*g*) four members to be co-opted by the elected members of the Board, one of them being a Sahib and three of them being Sunni members ;

(*h*) the President, if he is not one of the members :

Provided that in case where a Board has not been regularly constituted as mentioned in clauses (*a*) and (*b*), the Central Board shall nevertheless begin to function without a member from such a Board of the State, but the State Boards shall have the right of electing their representatives for the Central Board as soon as it is constituted.

30. *Term of Membership.*—The members of the Central Board shall hold office for a period of five years and in case of members elected by the State Boards the period of their membership of that Board or five years, whichever is less:

Provided that an elected or co-opted member shall, notwithstanding the expiration of his term of office, continue to hold office until the vacancy caused by the expiration of the said term has been filled.

31. *Situation of Office.*—The office of the Central Board shall be located at Delhi :

Provided that the members of the Board shall have the power of changing the location of the office by passing a resolution to that effect by a majority of the total membership of the Board and a majority of not less than two-thirds of the members of the Board present and voting.

32. *Quorum.*—The quorum to constitute a meeting of the Central Board shall be seven, provided that the Board shall have power to change the number of means of Rules made in that behalf.

33. *Decision.*—The decision of the Central Board shall be by a majority of its members present and voting. In the case of an equality of votes, the President shall have and exercise a second or casting vote :

Provided that the question of the use of the surplus funds or the income of wakfs in accordance with the cypres doctrine and in case of these wakfs the objects of which are not evident from any written instrument or in cases in which the objects for which they were created have ceased to exist, shall be determined by the Central Board by the votes of only Sunni or Shia members present at the meeting in respect of Sunni or Shia wakfs respectively.

34. *Meetings of the Central Board.*—(1) The Board shall meet for the transaction of business at least once in every year, and this meeting shall be termed the Annual meeting.

(2) The date of the meeting of the Board shall be fixed by the Secretary, under the directions of the President and at least one month's notice shall be given to the members in respect of the dates so fixed :

Provided that the date of the first meeting of the Board after this Act comes into force shall be fixed by the Union Government by notification in the official Gazette and by sending information to the members.

(3) The President shall have power to summon special meetings of the Board for the transaction of the business which he considers necessary, or in pursuance of a resolution of the Board or on a requisition signed by not less than seven members, and specifying the business to be transacted at such a meeting. A notice of three weeks to the members shall be necessary for the holding of special meeting.

35. *Staff.*—(1) The Central Board shall have a President and a Secretary who shall be Muslims, provided that no Mutawalli of a wakf or a Government Treasurer or a whole-time servant of the Government or the servant of any wakf Administration shall be elected as the President.

(2) Immediately after the formation of the Central Board and subsequently whenever it becomes necessary by reasons of an existing or anticipated vacancy or otherwise to appoint a President, the Central Board shall elect one of its members or any other person as its President. The President shall be honorary and shall hold office for a term of five years, but if he is a member of the Board his term shall expire on the expiry of his term as a member of the Board.

(3) The Central Board shall appoint one person qualified to carry on the work of the office of the Board as the Secretary. The Secretary shall be a salaried servant of the Board and shall hold office for a term of five years. He will be eligible for re-appointment after the expiry of his term. He will not be a member of the Board.

36. *Staff of the Central Board.*—The Central Board may appoint Secretary and such officers on staff on such salary and allowances and conditions of service as may be necessary for carrying out their duties under the Act, and for such period as they think fit.

37. *Functions and Powers of the Central Board.*—The functions and powers of the Central Board shall be—

(1) to lay down the principles for administration of wakfs ;

(2) to co-ordinate the activities of the various Boards in the matter of administration of wakfs and for that purpose to receive annual reports from the various wakfs Boards situated within the Union of India including the

wakfs Boards in U.P. and Bihar constituted under the various statutes and of Delhi and Ajmer constituted under the Central Acts and to give their opinion on such reports ;

(3) to give their advice to the various Boards specially in case such advice is sought by those Boards ;

(4) in case of persistent non-compliance with the advice of the Central Board by any Board of the State, the Central Board shall have the power to make a report to the Government of the State to take such action in respect of the Board as it may deem desirable.

38. *Finance of the Central Board.*—(1) The expenses of the office, officers and servants of the Central Board and the travelling and daily allowances of the co-opted members of the Central Board and of the President, if he is not a member of a State Board, shall be distributed equitably between the various State Boards, and in case of their being no agreement about it amongst the members of the Central Board, by the Central Union Government. The amounts so fixed shall be payable in advance every year.

(2) The travelling and daily allowances of the members of the Central Board shall be determined and paid by the various State Boards to which these members belong.

39. *Power to make Rules.*—(1) The Central Board may make rules not inconsistent with this Act for the purposes of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power the Central Board shall have the power to make rules with respect of—

(*a*) procedure to be adopted at the annual meeting and the special meetings of the Central Board ;

(*b*) quorum for meetings ;

(*c*) preparation and preservation of the record of the resolutions and meetings of the Board ;

(*d*) method to be adopted for the scrutiny of the administration Reports of the various Boards, and the procedure for giving advice in respect of them ;

(*e*) record of the advice tendered by the Central Board to various Boards of the State and steps taken in respect thereto.

CHAPTER IV.

REGISTRATION OF WAKFS.

40. *Registration.*—(1) Every wakf whether created before or after the commencement of this Act shall be registered at the office of the Board.

(2) The Mutawalli of every such wakf shall make an application for registration within three months of his entering into possession of the wakf property, or in the case of wakf existing at the time of formation of the first Board, within three months of the formation of such Board.

(3) Applications for registration may also be made by wakf or his descendants or a beneficiary of the wakf or any Muslim belonging to the sect to which the wakf belongs.

(4) An application under this section shall be accompanied by a true copy of the deed or deeds of wakf, together with a statement containing the following particulars as far as known to the applicant,—

(*a*) a description of the wakf properties sufficient for the identification thereof,

(*b*) the gross annual income from such properties,

(*c*) the amount of Government revenue, and cesses and of all rents and taxes payable in respect of the wakf properties,

(*d*) an estimate of expenses annually incurred in the realisation of the income of the wakf properties,

(*e*) the amount set apart under the wakf for—

(*i*) the salary of the Mutawalli and allowances to individuals ;

(*ii*) purely religious purposes ;

(*iii*) charitable purposes :

Provided that every such application shall be verified by the Mutawalli in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.

(5) The Board may require the applicant to supply any further particulars or information that it may consider necessary.

(6) On receipt of an application for registration, the Board may, before registration of the wakf, make such enquiries as it thinks fit in respect of its genuineness and validity and the correctness of any particulars, in the statement filed with the application and when the application is made by any person holding possession of any property or properties belonging to the wakf, the Board shall give notice of the application to the person in possession and hear him, if he desires to be heard before passing final orders.

(7) An application for registration of wakfs may be presented or be sent by registered post to the office of the Board.

41. *Register of wakfs.*—The Board shall maintain a register of wakfs which shall contain the following particulars in respect of each wakf and shall also contain a copy or copies of the deed or deeds creating the wakf when available,—

(*a*) the names of trustees, Mutawalli and other persons connected with the administration of the wakf,

(*b*) the rule of the succession of the office of the Trustees (if any), or Mutawallis under the deed or wakf or by custom or by usage,

(*c*) particulars of the scheme of administration and the scale of expenditure at the time of registration,

(*d*) particulars of all properties relating to the wakf and all title deeds and documents relating thereto, and

(*e*) such other particulars as may be prescribed.

42. *Power to order Mutawalli to apply.*—The Board may direct a Mutawalli to apply for the registration of a wakf, or to supply any information regarding a wakf or may itself collect such information and may cause the wakf to be registered or may at any time amend the register of wakfs.

CHAPTER V.

AUDIT OF ACCOUNTS.

43. *Audit.*—(1) The accounts kept by the Board and the accounts submitted by Mutawallis under section 62 shall be audited annually or at such other intervals as may be determined by the Board by the auditors appointed under section 18 of this Act.

(2) The Auditors shall submit their report,—

(*a*) to the local Government in the case of accounts of a Board ; and

(*b*) to the Board, in the case of the accounts of a wakf.

(3) The audit report of the auditors shall among other things, specify all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property or of loss or of waste of money or other property caused by neglect or misconduct of the Mutawalli.

44. *Examination of the Auditor's report.*—The Board shall examine the auditor's report and after calling for the explanation of any person in regard to any matter mentioned therein shall pass such orders on the report as it may think fit.

45. *Realization of Amount.*—Every sum certified to be due from any person by an auditor in his report under section 62, unless such certificate is modified or cancelled by the Board by an order made under section 32 and every sum due on a modified certificate shall be recoverable from such person by the Board.

CHAPTER VI.

Enquiry and Supervision.

46. *Enquiries by the Board.*—For the purpose of verifying the particulars contained in the statement filed under section 40 or acting on the report of the auditor submitted under section 43, the Board may enquire into any matter either through any of its officers or members or any other person appointed under this behalf.

47. *Application for enquiry.*—Any member of the community to which the wakf belongs may by an application, supported by an affidavit, apply to the Board to institute any enquiry relating to the administration of a wakf, and the Board may take such action as it may think fit.

48. *Powers of enquiring officer.*—For the purposes of an enquiry under this Chapter the enquiring officer or committee shall have the same power of enforcing the attendance of witnesses and production of documents as the Civil Court has under the Code of Civil Procedure, 1908.

CHAPTER VII.

Legal Proceedings.

49. *Civil suits relating to wakf.*—Notwithstanding anything contained in section 92 of the Code of Civil Procedure, 1908 (Act V of 1908), a suit to obtain any relief mentioned in section 92 of the said Code, relating to any wakf to which this Act applies may be instituted by the Board without obtaining the consent referred to in that section, or by any person interested in the wakf with the previous sanction in writing of the Board and without obtaining the consent referred to in that section :

Provided that if in such suit the validity or propriety of any order or direction passed or made by the Board is challenged a suit shall be instituted without previous sanction after giving two months notice to the Board as provided in section 50.

50. *Suits under Religious Endowments Act.*—A suit under section 14 of the Religious Endowments Act, 1863 (XX of 1863), concerning a wakf to which this Act applies, may, notwithstanding anything to the contrary contained in that Act be instituted by the Board without obtaining the leave referred to in section 18 of that Act, and no such suit shall be instituted by any person without the consent in writing of the Board.

51. *Protection of the Board Committees and their staff.*—(1) Save as otherwise provided in this Act, no act done or direction issued by the Board *except an order settling the scheme of management of a wakf* shall be questioned in any court.

(2) No suit shall be instituted against the Board, or any of its members or servants or any other person deputed by the Board for carrying out any enquiry under this Act, for anything done by it or him in good faith in due discharge of his duties under this Act.

52. *Compromise in suits by or against mutawallis.*—No suit or proceedings in any court by or against a mutawalli of a wakf to which this Act applies, and relating to title to wakf property or to the rights of the mutawallis shall be compromised without the sanction of the Board.

53. *Notice of suits by courts.*—When any suit relating to title to any wakf property or to the right of Mutawalli is instituted in any Civil Court such court shall give a notice of such suit to the Board at the cost of the plaintiff. The Board may thereupon apply to be made a party to the suit, and the Court shall make the Board a party on such an application.

54. *Notice of suits.*—No suit shall be instituted against the Board, in respect of any act purporting to be done by the Board in due discharge of its functions under this Act, or for any relief in respect of any wakf, until the expiration of two months next after notice in writing has been delivered to the Secretary, or left at the office of the Board, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims ; and the plaint shall contain a statement that such notice has been so delivered or left.

55. *Power of Board to make application to the court in case of failure of mutawalli to discharge his duties.*—Where a charge exists on any property for the performance of any religious, pious or charitable act recognised as such by Muslim Law and there is a failure to perform such an act the Board may apply to the Court for an order directing the person in possession of the property to pay to the Board the amount necessary for the performance by the Board, or to any person appointed by the Board in this behalf, of the act for the performance of which the charge was created.

56. *Application to compel mutawalli to discharge obligation or appointment of receiver.*—Where the mutawalli of a wakf wilfully fails to discharge any of the duty imposed on him under the wakf, the Board or any person interested in wakf may make an application to the court for an order,—

(*a*) directing the mutawalli to discharge such obligation within a time to be specified in the order, or

(*b*) appointing receiver of the funds and property of the wakf if the mutawalli fails to carry out such direction within the time so specified.

57. *Notice to Board of proceedings under the Land Acquisition Act, 1894, in respect of wakf property.*—(1) In the course of a proceeding under the Land Acquisition Act, 1894 (I of 1894), the Collector before making an award in respect of wakf property, shall issue a notice to the Board and shall stay further proceedings to enable it to plead as a party to the proceedings at any time within three months from the date of the receipt of the notice.

(2) Where the Board has reason to believe that any property under acquisition is a wakf property, it may at any time before the award is made appear and plead as a party to the proceedings.

(3) When the Board has appeared under the provision of sub-section (2), no order shall be passed under section 31 or section 32 of the Land Acquisition Act, 1894 (I of 1894), without giving opportunity to the Board to be heard.

(4) Any order passed under section 31 or section 32 of the Land Acquisition Act, 1894 (I of 1894), without giving opportunity to the Board to be heard shall be voidable at the option of the Board.

58. *Notice of sales to be given to Board.*—(1) Whenever any wakf property is notified for sale in execution of a decree of a Civil Court under the provisions of any Act, for the recoveries of public demand or in pursuance of a decree or an order of a collector or any revenue officer such court, collector, or revenue officer, shall give notice thereof to the Board also.

(2) If the notice required by sub-section (1) to be given to the Board in respect of any sale is not given, the sale shall be voidable at the option of the Board.

CHAPTER VIII.

ADMINISTRATION CHARGES.

59. *Contribution by wakf.*—(1) Every wakf to which this Act applies shall contribute annually for meeting the expenses incurred in the administration of this Act, such sum not exceeding five per cent of the net annual income of such of its property as is situate in the State as the Board, subject to the sanction of the State Government may determine :

Provided that in case of those educational institutions which do not receive any aid from the Government or of wakf whose income is less than rupees one hundred per annum the aforesaid percentage shall not be levied.

(2) Contribution under this section shall be payable with effect from the date on which this section comes into force.

(3) The Board may, in the case of any particular wakf or wakfs, reduce or remit such contribution as it may think fit.

(4) Such contribution shall, subject to the prior payment of any dues to the Government and any other Statutory charges on the wakf property or the income thereof, be a first charge on the income of the wakf.

(5) If a mutawalli or person incharge of the managing or administration of the wakf realizes the income of the wakf and neglects or refuses to pay such contribution he shall also be personally liable for such contribution to the extent of the balance of realization remaining in his hand after payment of Land Revenue, cesses and taxes due to Government and local bodies, and the liability may be enforced in the manner as aforesaid.

(6) The mutawalli of a wakf may realize the fee payable by him under sub-section (1) from the beneficiaries of such wakf, but the realizable fee from any one of such persons shall not exceed such amount as shall bear to the total contribution payable the same proportion as the value of benefits recoverable by such persons bears to the entire net available income of such wakf :

Provided that, if there is any income of such wakf in excess of the amount payable as due under this Act other than the fee payable under sub-section (1) and in excess of the amount payable under the wakf deed, the fee shall be paid in the first instance out of such income.

60. *Board's power to borrow.*—The Board shall have the power with the previous sanction of the State Government to borrow for the purpose of giving effect to the provisions of this Act, such amount and on such conditions as the State Government may determine.

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CHAPTER IX.

MUTAWALLIS.

61. *Appointment of mutawallis.*—When there is a vacancy in the office of mutawalli of a wakf and there is no one competent to be appointed under the terms of the deed of wakf, or where the right of any person to act as mutawalli is disputed, the Board may appoint any person to act as a mutawalli from such period and on such conditions as it may think fit.

62. *Duties of mutawallis.*—(1) Every mutawalli shall carry out all directions consistent with the provisions of this Act, issued to him by the Board of wakf or by a committee appointed by the Board for the purpose of proper administration of wakfs. In particular he shall,—

(*a*) supply the details of wakfs in his charge,

(*b*) submit within one month after the 31st day of March, next following the date on which the wakf has been registered under section 28 and thereafter within thirty days of the 31st day of March, in every year, a full and true statement of accounts in such form and containing such particulars as may be prescribed by the Board and verified in manner prescribed by the Code of Civil Procedure, 1908, for verification of pleadings of all moneys received or expended by him on behalf of the wakf of which he is the mutawalli in respect of that portion of the wakf property which is situate in the State during the period of twelve months ending on the 31st March preceding the submission of such statement or during that portion of the said period during which the provisions of this Act have been applicable to the wakf :

Provided that the date on which the annual accounts are to be closed may be verified at the discretion of the Board.

(2) All the details, accounts, and statements mentioned in sub-section (1) shall be submitted to Board. The mutawalli shall if and when required further be bound by himself or by his agent to attend at the audit of his accounts and to give all information required relating to his accounts.

63. *Power of the Board to make certain payment on behalf of wakf.*—Where a mutawalli refuses to pay or fails to pay any Land Revenue, cesses, rent, rates of taxes due to the State or to a local Authority/Body from a wakf, the Board may defray the charges from the wakf fund and may recover the amount so paid from the wakf property and, if the refusal or failure of the mutawalli was in the opinion of the Board wilful, the Board may also recover from the mutawalli responsible for such refusal or failure damages at the rate of twelve and a half per cent of the amount so paid :

Provided that a mutawalli aggrieved by a decision of the Board to recover damages under this sub-section may apply to the court to have the order regarding damages set aside or modified and the order of the Court on such application shall be final.

64. *Removal of mutawallis by the Board.*—The Board may remove a mutawalli from his office if such mutawalli—

(*a*) after having once been convicted of an offence punishable under section 66 is again convicted of any such offence ;

(*b*) is convicted of an offence relating to the wakf property or money which in the opinion of the Board renders him unfit to continue to be a mutawalli ; or

(*c*) refuses to act ; and

(*d*) applies for being adjudicated or is an undischarged insolvent.

65. *Committee of supervision.*—(1) Whenever the supervision of a wakf is vested in any existing committee appointed by the wakf or any competent court of authority such committee shall, notwithstanding anything contained in the Act, continue to function until superseded by the Board under sub-section (2):

Provided that such committee shall be under the control of the Board and shall abide by such directions of the Board as are not inconsistent with any directions of the wakf or of the court or authority appointing such committee.

(2) The Board may supersede any such committee as aforesaid if it does no in its opinion function properly and satisfactorily, and on such supersession any decree or order of a court or competent authority under which such committee has been constituted shall cease to have any force.

(3) Any order passed by a Board under sub-section (2) shall be final and shall not be questioned in any court of law.

66. *Penalties.*—(1) If a mutawalli fails without reasonable cause or excuse, the burden of proving which shall be upon him,—

(*a*) to apply for a registration of a wakf as provided in section 28, or

(*b*) to submit statement of particulars or of accounts and returns as required by this Act, or

(*c*) to supply information or particulars required by the Board, or

(*d*) to allow inspection under the provision of this Act, of wakf properties and deeds and documents relating thereto, or

(*e*) to give assistance in enquiries and investigations when called upon to do so by the Board or Committee appointed by the Board or by superintendents or auditors working under the orders of the Board, or

(*f*) to deliver possession of any wakf property if ordered to do so, by the Board,

(*g*) to deposit any surplus income in his hands in any recognized bank when directed to do so by the Board,

he will, on conviction before a magistrate of the first or second class be punishable with fine which may extend to rupees two hundred and fifty for the first offence and to rupees one thousand for every subsequent offence.

(2) No Magistrate shall take cognizance of an offence under sub-section (1) otherwise than on a complaint made by any person duly authorised by the Board in this behalf.

CHAPTER X.

RULES AND BYE-LAWS.

67. *Rules by State Government.*—(1) The State Government may after previous publication in the Official Gazette make rules not inconsistent with this Act for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power the State Government may make rules with respect to all or any of the ollowing matters :—

(*a*) the conditions and restrictions subject to which the Board may transfer any property under sub-section (2) of section 7 of the Act ;

(*b*) the method in which the work of the survey of wakf under Chapter I is carried on ;

(*c*) the manner in which the member shall be elected under section 8 of the Act ;

(*d*) other matters expressly required or allowed by this Act to be prescribed or done by the State Government.

68. *Bye-laws by the Board.*—(1) The Board may subject to the approval of the State Government make bye-laws not inconsistent with this Act for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power the Board shall with the approval of the State Government have power to make bye.laws with respect to—

(*a*) all matters required or allowed by this Act to be prescribed or done by the Board,

(*b*) the conduct of business by the Board,

(*c*) the grant of travelling allowances to the President and members of the Board,

(*d*) the constitution, functions and procedure of the committee appointed by the Board and their finance,

(*e*) the custody and investment of wakf funds,

(*f*) the custody and investment of the Fund of any wakf, and the conditions subject to which a mutawalli shall deposit wakf money in his hands and the conditions subject to which a mutawalli can withdraw such money;

(*g*) books and accounts to be kept at the office of the Board and by the committee appointed by the Board;

(*h*) the manner in which the accounts of wakf shall be audited and published, the time and place of such audit, the form and content of the auditors' report and the scale of remunerations to be paid to the auditors,

(*i*) the number, designation, grades, salaries, allowances, and other conditions of service, including the power and duties of the officers and servants of the Board,

(*j*) the custody of the common seal,

(*k*) the person by whom receipts may be granted for money received by the Board,

(*l*) the granting of pensions and gratuities out of wakf Funds,

(*m*) the method of calculating the income of a wakf, for the purpose of levying contribution under this Act,

(*n*) the fee to be levied on applications before the Board of committees under the Act, or on application for inspection of register of wakfs and other records and for copies of the proceedings and other records of the Board.

(3) All byelaws framed under this section shall be published in the Gazette and shall have thereafter the force of law.

69. *Names of members and President to be notified.*—The names of the members and President of the Board shall be published in the Official Gazette of the State as soon as possible after their election or co-option as the case may be.

70. *Accounts and Budget of the Board.*—The Accounts of the Board shall be audited annually by an auditor appointed by the Government and a copy of the report and a copy of the Budget shall be submitted to the State Government and to the Central Board of Muslim Wakfs for information. The Board shall give such information and submit such reports and statements as may be called for by the State Government and Central Board of Muslim Wakfs.

71. *Extension of time.*—The Board may, if it is satisfied that there is sufficient cause for doing so, extend time within which any act is required or ordered to be done under this Act.

72. *Wakf Fund.*—All moneys realized under section 59 and all moneys realized from fees in respect of proceedings before the Board and all other moneys realized under this Act, shall form a Fund to be called the 'Wakf Fund'.

Such fund shall be under the control of the Board subject to the general supervision of the State Government and shall be applied to the following expenses which shall be met exclusively from that fund :—

(*a*) repayment of any loan incurred under section 60 and payment of interest thereof ;

(*b*) payment of the cost of audit of Wakf Fund,

(*c*) payment of the salary and allowances of the Secretary and staff of the Board and the Secretary and the staff of sub-committee under the Board ;

(*d*) payment of travelling allowances to the President, members, Secretary and staff of the Board or of any person deputed for any enquiry under the Act ;

(*e*) payment of all expenses incurred by the Board and the sub-committee in the performance of the duties imposed and the exercise of the powers conferred by this Act.

73. *Liability of Government for expenses.*—Government shall not be liable for any expenditure incurred in the administration of this Act.

CHAPTER XI.

Savings and Repeal.

74. *Savings.*—Nothing in the following Regulations, Acts and provisions shall apply to any wakf to which this Act applies :—

(*i*) Bengal Regulation, XIX of 1810.

(*ii*) Section 5 of the Religious Endowments Act, 1863 (XX of 1863).

(*iii*) The Charitable Endowments Act, 1890 (VI of 1890).

(*iv*) The Charitable and Religious Trust Act, 1920 (XIV of 1920).

75. *Repeal.*—The following Acts are hereby repealed :—

	Name of the Act	Extent of Repeal
1.	The Bengal Wakf Act, 1934 (XIII of 1934) ...	Whole
2.	The Mussalman Wakf (Bombay Amendt.) Act, 1933 (XVIII of 1933).	Whole
3.	Mussalman Wakfs Act, 1923 (XLII of 1923) in so far as it extends to the States where this Act comes into force.	Whole

76. *Recovery of dues by distress.*—Every sum recoverable under section 45 and the contribution under section 59 may be recovered by the Board by means of distress of sale of movable property belonging to the person liable for payment, in accordance with the rules framed by the State Government in this behalf.

STATEMENT OF OBJECTS AND REASONS.

The management of Wakfs though it vests immediately in a mutawalli, is a subject which requires the supervision of the State. The need for supervision has been felt, and in addition to various enactments dealing with the subject of charitable endowments, the Musalman Wakf Act, 1923 (No. 42 of 1923) was enacted for the whole of India. This Act merely provides for the submission of audited accounts by the Mutawallis, to the district judges. This Act did not prove of much practical value. The Musalman Wakf (Bombay Amendment) Act, 1935 (XVIII of 1935) amended the Musalman Wakf Act, 1923 (42 of 1923). The Bengal Wakf Act, 1934 (No. XIII of 1934) was enacted to create a machinery for the supervision of wakfs in Bengal. The U.P. followed suit and the United Provinces Muslim Wakfs Act, 1936 (XIII of 1936) was passed creating a Central Wakf Board. Similarly Bihar also passed a legislation almost on the same lines. The working of these Acts has brought out the necessity of some amendments. Further many of the States have got no Act for the purpose. It is therefore necessary, that one uniform and consolidated legislation may be passed by the Centre, which may be adopted as a model Act by the various States. It is with this view that the present Bill is introduced.

MOHAMMAD AHMAD KAZMI.

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NOTIFICATION.

No. L. D. 992—Legis. 34-52-3, dated Bangalore, the 1st September 1952.

In pursuance of the adoption of a motion by the Council of States on the 7th August 1952, the Special Marriage Bill, 1952, with the statement of objects and reasons, is hereby published for the purpose of eliciting opinion of the public thereon.

The last date within which opinions may be sent is 30th November 1952.

Opinions should be sent addressed to the Secretary to Government, Law Department, Government of Mysore, Old Public Offices, Bangalore.

Opinions sent direct to the Council of States Secretariat, New Delhi or to any other Ministry of the Government of India, will not be considered.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

Bill No. III of 1952.

THE SPECIAL MARRIAGE BILL, 1952.

(As introduced in the Council of States).

A

BILL

to provide a special form of marriage in certain cases, and for the rigistration of such and certain other marriages.

BE it enacted by Parliament as follows :—

PART I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Special Marriage Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to citizens of India outside India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act unless the context otherwise requires,—

(*a*) "consular officer" means a consul-general, consul, vice-consul, pro-consul or consular agent ;

(*b*) "diplomatic officer" means an ambassador, envoy, minister, *charge d' affaires*, high commissioner, commissioner or other diplomatic representative, or a counsellor or secretary of an embassy, legation or high commission ;

(*c*) "district" in relation to a Marriage Officer, means the area for which he is appointed as such under sub-section (1) or sub-section (2) of section 3 ;

(*d*) "prescribed" means prescribed by rules made under this Act ;

(*e*) "State Government", in relation to a Part C State, means the Lieutenant Governor or, as the case may be, the Chief Commissioner.

3. *Marriage Officers.*—(1) For the purposes of this Act, the State Government may, by notification in the Official Gazette, appoint one or more Marriage Officers for the whole or any part of the State.

(2) For the purposes of this Act in its application to citizens of India outside India, the Central Government may, by notification in the Official Gazette, appoint one or more diplomatic or consular officers to be Marriage Officers for any country, place or other area outside India.

PART II.

SOLEMNIZATION OF SPECIAL MARRIAGES.

4. *Conditions relating to solemnization of special marriages.*—Notwithstanding anything contained in any other law for the time being in force relating to the solemnization of marriages, a marriage between any two persons may be solemnized under this Act, if at the time of the marriage the following conditions are fulfilled, namely :—

(*a*) neither party has a spouse living ;

(*b*) neither party is an idiot or a lunatic ;

(*c*) the parties have completed the age of eighteen years ;

(*d*) each party, if he or she has not completed the age of twenty-one years, has obtained the consent of his or her father or guardian to the marriage ;

(*e*) the parties are not within the degrees of prohibited relationship ; and

(*f*) where the marriage is solemnized outside India, both parties are citizens of India.

Explanation I.—Two parties are said to be within "the degrees of prohibited relationship" if one is a lineal ascendant of the other, or was the wife or husband of a lineal ascendant or descendant of the other, or if the two are brother and sister, uncle and niece, aunt and nephew, or the children of two brothers or of two sisters.

Explanation II.—'Relationship' includes—

(*a*) relationship by half or uterine blood as well as by full blood ;

(*b*) illegitimate blood relationship as well as legitimate ;

(*c*) relationship by adoption as well as by blood ;

and all terms of relationship in this section shall be construed accordingly.

5. *Notice of intended marriage.*—When a marriage is intended to be solemnized under this Act, the parties to the marriage shall give notice thereof in writing in the form specified in the First Schedule to the Marriage Officer of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days immediately preceding the date on which such notice is given.

6. *Marriage Notice Book and publication.*—(1) The Marriage Officer shall keep all notices given under section 5 with the records of his office and shall also forthwith enter a true copy of every such notice in a book prescribed for that purpose, to be called the Marriage Notice Book, and such book shall be open for inspection at all reasonable times, without fee, by any person desirous of inspecting the same.

(2) The Marriage Officer shall cause every such notice to be published by affixing a copy thereof to some conspicuous place in his office.

7. *Objection to marriage.*—(1) Any person may, before the expiration of thirty days from the date on which any such notice has been given, object to the marriage on the ground that it would contravene one or more of the conditions specified in section 4.

(2) After the expiration of thirty days from the date on which notice of an intended marriage has been given under section 5, the marriage may be solemnized, unless it has been previously objected to under sub-section (1).

(3) The nature of the objection shall be recorded in writing by the Marriage Officer in the Marriage Notice Book, be read over and explained, if necessary, to the person making the objection and shall be signed by him or on his behalf.

8. *Procedure on receipt of objection.*—(1) If an objection is made under section 7 to an intended marriage, the Marriage Officer shall refer the objector to a court of competent jurisdiction and shall postpone the solemnization of the marriage for thirty days from the receipt of such objection, if such court be open at the time and if not, until the expiration of thirty days from the opening of such court.

(2) The person objecting to the intended marriage may file a suit in any civil court of competent jurisdiction for a declaration that such marriage contravenes one or more of the conditions specified in section 4, and the court in which such suit is filed shall thereupon give the person filing it a certificate to the effect that such suit has been filed.

(3) If the certificate given by the court is lodged with the Marriage Officer within the period specified in sub-section (1), the Marriage Officer shall not solemnize the marriage until the decision of such court has been given and the period

allowed by law for appeal from such decision has elapsed, or, if there is an appeal from such decision, until the decision of the appellate court has been given.

(4) If such certificate is not lodged within the time granted by the Marriage Officer under sub-section (1), or if the decision of the court is that the marriage does not contravene any of the conditions specified in section 4, the marriage may be solemnized by the Marriage Officer to whom the notice of marriage has been given.

(5) If the decision of the court is that the marriage contravenes any of the conditions specified in section 4, the marriage shall not be solemnized.

(6) Notwithstanding anything contained in this section, where an objection is made under section 7 to an intended marriage of which notice has beeh given to a Marriage Officer outside India, the Marriage Officer shall not solemnize the marriage but shall transmit a copy of the objection with such statement respecting the matter as he thinks fit, to the Central Government, and the Central Government, after making such inquiry into the matter and after obtaining such advice as it thinks fit, shall give its decision thereon in writing to the Marriage Officer who shall conform to the decision of the Central Government in this behalf.

9. *Penalty where objection not reasonable.*—If it appears to the court in which the suit is filed that the objection was not reasonable and *bonafide*, it may impose on the person objecting additional costs by way of compensation not exceeding one thousand rupees and award the whole or any part of that amount to the parties to the intended marriage.

10. *Declaration by parties and witnesses.*—Before the marriage is solemnized the parties and three witnesses shall, in the presence of the Marriage Officer, sign a declaration in the form specified in the Second Schedule to this Act, and if either party has not completed the age of twenty-one years the declaration shall also be signed by his or her father or guardian, as the case may be, and in every case the declaration shall be countersigned by the Marriage Officer.

11. *Place and form of solemnization.*—(1) The marriage may be solemnized at the office of the Marriage Officer, or at such other place within a reasonable distance therefrom as the parties may desire, and upon such conditions and the payment of such additional fees as may be prescribed.

(2) The marriage may be solemnized in any form which the parties may choose to adopt:

Provided that it shall not be complete and binding on the parties, unless each party says to the other in the presence of the Marriage Officer and the three witnesses,—" I, (A), take thee (B), to be my lawful wife (or husband)."

12. *Certificate of marriage.*—(1) When the marriage has been solemnized, the Marriage Officer shall enter a certificate thereof in the form specified in the Third Schedule in a book to be kept by him for that purpose and to be called the Marriage Certificate Book and such certificate shall be signed by the parties to the marriage and the three witnesses.

(2) On a certificate being entered in the Marriage Certificate Book by the Registrar, the Certificate shall be deemed to be conclusive evidence of the fact that a marriage under this Act has been solemnized and that all formalities respecting the signatures of witnesses have been complied with, but nothing contained in this sub-section shall apply to render a marriage valid which would otherwise have been invalid.

13. *New notice when marriage not solemnized within three months.*—Whenever a marriage is not solemnized within three calendar months from the date on which notice thereof has been given to the Marriage Officer as required by section 5, or, where the person objecting to the intended marriage has filed a suit in a court of

competent jurisdiction and the decision of such court has been given, within three calendar months from the date on which the period allowed by law for appeal from such decision expires, or if there is an appeal from such decision within three calendar months from the date of the decision of the appellate court, or where a copy of the objection has been transmitted to the Central Government under sub-section (6) of section 8, within three months from the date of decision of the Central Government, the notice and all other proceedings arising therefrom shall be deemed to have lapsed and no Marriage Officer shall allow the marriage to be solemnized until a new notice has been given in the manner laid down in this Part.

PART III.

REGISTRATION OF MARRIAGES SOLEMNIZED IN OTHER FORMS.

14. *Registration of marriages solemnized in other forms.*—(1) Any marriage solemnized, whether before or after the commencement of this Act, other than a marriage solemnized under the Special Marriage Act, 1872 (III of 1872), or under this Act, may be registered under this Part by a Marriage Officer in India if the following conditions are fulfilled, namely :—

(*a*) a ceremony of marriage has been performed between the parties and they have been living together as husband and wife ever since ;

(*b*) neither party has at the time of registration more than one spouse living ;

(*c*) neither party is an idiot or a lunatic at the time of registration ;

(*d*) the parties have completed the age of twenty-one years ;

(*e*) the parties are not within the degrees of prohibited relationship as defined in section 4 ; and

(*f*) the parties have been residing within the district of the Marriage Officer for a period of not less than thirty days immediately preceding the date on which the application is made to him for registration of the marriage.

15. *Procedure for registration.*—Upon receipt of an application signed by both the parties to the marriage for the registration of their marriage under this Part, the Marriage Officer shall give public notice thereof in such manner as may be prescribed, and after allowing a period of thirty days for objections and after hearing any objection received within that period, and shall, if satisfied that all the conditions mentioned in section 14 are fulfilled, enter a certificate of the marriage in the Marriage Certificate Book in the form specified in the Fourth Schedule, and such certificate shall be signed by the parties to the marriage and by three witnesses.

16. *Appeals from orders under section 15.*—Any person aggrieved by any order of a Marriage Officer refusing to register a marriage under this Part may, within fifteen days from the date of the order, appeal against that order to the district court within the local limits of whose jurisdiction the Marriage Officer has his office, and the decision of the district court on such appeal shall be final, and the Marriage Officer to whom the application was made shall proceed in accordance therewith.

17. *Effect of registration of marriage under this Part.*—Where a certificate of marriage has been finally entered in the Marriage Certificate Book under this Part, the marriage shall as from the date of such entry, be deemed to be a marriage solemnized under this Act, and all the provisions of this Act shall thereupon apply to such marriage as if it had, in fact, been solemnized under this Act.

PART IV.

CONSEQUENCES OF MARRIAGE UNDER THIS ACT.

18. *Effect of marriage on member of undivided family.*—The marriage solemnized under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jaina religion shall be deemed to effect his severance from such family.

19. *Rights and disabilities not affected by Act.*—Subject to the provisions of section 18, any person whose marriage is solemnized under this Act, shall have the same rights and shall be subject to the same disabilities in regard to the right of succession to any property as a person to whom the Caste Disabilities Removal Act, 1850 (XXI of 1850) applies :

Provided that nothing in this section shall confer on any person any right to any religious office or service or to the management of any religious or charitable trust.

20. *Person marrying under Act not to have right of adoption.*—No person who has his marriage solemnized under this Act shall have any right of adoption.

21. *Adoption by father or mother of person marrying under Act.*—When a person professing the Hindu, Buddhist, Sikh or Jaina religion has his marriage solemnized under this Act, his father or his mother where she is otherwise entitled to adopt shall, if he or she has no other son living, have the right to adopt any person as his or her son under the law to which he or she is subject.

22. *Act IV of 1869 to apply.*—Notwithstanding anything to the contrary contained in the Indian Divorce Act, 1869 (IV of 1869) that Act shall apply to all marriages solemnized under this Act, and any such marriage may be declared null or dissolved in the manner therein provided, and for the causes therein mentioned, or on the ground that the marriage contravenes one or more of the conditions, specified in section 4 of this Act.

23. *Succession to property of parties married under Act.*—Succession to the property of any person whose marriage is solemnized under this Act and to the property of the issue of such marriage shall be regulated by the provisions of the Indian Succession Act, 1925 (XXXIX of 1925).

PART V.

MISCELLANEOUS.

24. *Saving.*—Nothing contained in this Act shall affect the validity of any marriage not solemnized under its provisions ; nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage.

25. *Penalty on married person marrying again under this Act.*—Every person who, being at the time married, procures a marriage of himself to be solemnized under this Act shall be deemed to have committed an offence under section 494 or section 495 of the Indian Penal Code (Act XLV of 1860), as the case may be, and the marriage so solemnized shall be void.

26. *Punishment of bigamy.*—Every person married under this Act, who, during the lifetime of his or her wife or husband, contracts any other marriage shall be subject to the penalties provided in sections 494 and 495 of the Indian Penal Code (Act XLV of 1860), for the offence of marrying again during the lifetime of a husband or wife, and the marriage so contracted shall be void.

27. *Penalty for signing false declaration or certificate.*—Every person making, signing or attesting any declaration or certificate required by or under this Act containing a statement which is false and which he either knows or believes to be false or does not believe to be true shall be guilty of the offence described in section 199 of the Indian Penal Code (Act XLV of 1860).

28. *Penalty for wrongful action of Marriage Officer.*—Any Marriage Officer who knowingly and wilfully solemnizes a marriage under this Act—

(1) without publishing a notice regarding such marriage as required by section 5, or

(2) within thirty days after receipt by him of the notice of such marriage, or

(3) in contravention of any other provision contained in this Act, shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to a fine which may extend to five hundred rupees.

29. *Marriage Certificate Book to be open to inspection.*—(1) The Marriage Certificate Book kept under this Act shall at all reasonable times be open for inspection and shall be admissible as evidence of the truth of the statements therein contained.

(2) Certified extracts from the Marriage Certificate Book shall, on application, be given by the Marriage Officer to the applicant on payment by him of the prescribed fee.

30. *Transmission of copies of entries in marriag records.*—Every Marriage Officer in a State shall send to the Registrar-General of Births, Deaths and Marriages of that State at such intervals and in such form as may be prescribed, a true copy of all entries made by him in the Marriage Certificate Book since the last of such intervals, and in the case of Marriage Officers outside India, the true copy shall be sent to such authority as the Central Government may specify in this behalf.

31. *Correction of errors.*—(1) Any Marriage Officer who discovers any error in the form or substance of any entry in the Marriage Certificate Book may, within one month next after the discovery of such error, in the presence of the persons married or, in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin without any alteration of the original entry and shall sign the marginal entry and add thereto the date of such correction and the Marriage Officer shall make the like marginal entry in the certificate thereof.

(2) Every correction made under this section shall be attested by the witnesses in whose presence it was made.

(3) Where a copy of any entry has already been sent under section 30 to the Registrar-General or other authority the Marriage Officer shall make and send in like manner a separate certificate of the original erroneous entry and of the marginal corrections therein made.

32. *Power to make rules.*—(1) The Central Government, in the case of diplomatic and consular officers and the State Government, in all other cases may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the duties and powers of Marriage Officers and the areas in which they may exercise jurisdiction ;

(*b*) the form and manner in which any books required by or under this Act shall be maintained ;

(c) the fees that may be levied for the performance of any duty imposed upon a Marriage Officer under this Act;

(d) the manner in which public notice shall be given under section 15;

(e) the form in which, and the intervals within which, copies of entries in the Marriage Certificate Book shall be sent in pursuance of section 30.

33. *Repeals and savings.*—(1) The Special Marriage Act, 1872 (III of 1872), is hereby repealed.

(2) If immediately before the commencement of this Act there is in force in any Part B State any law corresponding to the Special Marriage Act, 1872, that law on such commencement shall also stand repealed, and section 6 of the General Clauses Act, 1897 (X of 1897), shall apply in relation to such repeal, as if the corresponding law had been an enactment:

Provided that without prejudice to the provisions contained in section 6 of the General Clauses Act, 1897, any marriage registered under such corresponding law shall be deemed to have been registered under this Act.

THE FIRST SCHEDULE

(*See* section 5)

NOTICE OF INTENDED MARRIAGE

To

.....,

Marriage Officer for the .....District.

WE hereby give you notice that a marriage under the Special Marriage Act, 1952, is intended to be solemnized between us within three calendar months from the date hereof.

Name	Condition	Occupation	Age	Dwelling place	Length of residence
A. B.	Unmarried Widower Divorcee				
C. D.	Spinster Widow Divorcee				

Witness our hands this.....
day of.....19 .

(Sd.) A.B.

(Sd.) C.D.

THE SECOND SCHEDULE

(*See* section 10)

Declaration to be made by the Bridegroom

I, A.B. hereby declare as follows :—

1. I am at the present time unmarried (or a widower or a divorcee, as the case may be).
2. I have completed years of age.
3. I am not related to C. D. (the bride) within the degrees of prohibited relationship.

[*And when the bridegroom has not completed the age of twenty one years.*]

4. The consent of my father (or guardian, as the case may be) has been given to a marriage between myself and C.D., and has not been revoked.
5. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(Sd.) A.B. (the Bridegroom).

Declaration to be made by the Bride.

I, C. D., hereby declare as follows :—

1. I am at the present time unmarried (or a widow or a divorcee, as the case may be).
2. I have completed years of age.
3. I am not related to A.B. (the bridegroom) within the degrees of prohibited relationship.

[*And when the bride has not completed the age of twenty-one years.*]

4. The consent of my father (or guardian, as the case may be) has been given to a marriage between myself and A.B., and has not been revoked.
5. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(Sd.) C.D. (the Bride).

Signed in our presence by the abovenamed A.B. and C.D. So far as we are aware there is no lawful impediment to the marriage.

(Sd.) G.H.
(Sd.) I.J.
(Sd.) K.L.
} *Three Witnesses.*

[*And when the bridegroom or bride has not completed the age of twenty-one years.*]

Signed in my presence and with my consent by the abovenamed A.B. or C.D.

M. N. (the father or guardian of the abovenamed A.B. or C.D. as the case may be).

Countersigned E.F.,
Marriage Officer.

Dated the day of 19 .

THE THIRD SCHEDULE

(*See* section 12)

CERTIFICATE OF MARRIAGE

I, E.F., hereby certify that on the day of 19 , A.B. and C.D. appeared before me and that each of them, in my presence and in the presence of three witnesses who have signed hereunder, made the declarations required by section 10 and that a marriage under this Act was solemnized between them in my presence.

(Sd.) E.F.,

Marriage Officer for

(Sd.) A.B.,

Bridegroom.

(Sd.) C.D.,

Bride.

(Sd.) G.H.
(Sd.) I.J.
(Sd.) K.L.

Three Witnesses.

Dated the day of 19 .

THE FOURTH SCHEDULE

(*See* section 15)

CERTIFICATE OF MARRIAGE SOLEMNIZED IN OTHER FORMS

I, E.F., hereby certify that A.B. and C.D. appeared before me this day of 19 and that each of them, in my presence and in the presence of three witnesses who have signed hereunder, have declared that a ceremony of marriage has been performed between them and that they have been living together as husband and wife since the time of their marriage, and that in accordance with their desire to have their marriage registered under this Act, the said marriage has, this day of 19 been registered under this Act, having effect as from

(Sd.) E.F.

Marriage Officer for

(Sd.) A.B.,

Husband.

(Sd.) C.D.,

Wife.

(Sd.) G.H.
(Sd.) I.J.
(Sd.) K.L.

Three Witnesses.

Dated the day of 19 .

STATEMENT OF OBJECTS AND REASONS.

This Bill revises and seeks to replace the Special Marriage Act of 1872 so as to provide a special form of marriage which can be taken advantage of by any person in India and by all Indian nationals in foreign countries irrespective of the faith which either party to the marriage may profess. The parties may observe any ceremonies for the solemnization of their marriage, but certain formalities are prescribed before the marriage can be registered by the Marriage Officers. For the benefit of Indian citizens abroad, the Bill provides for the appointment of Diplomatic and Consular Officers as Marriage Officers for solemnizing and registering marriages between citizens of India in a foreign country.

2. Provision is also sought to be made for permitting persons who are already married under other forms of marriage to register their marriages under this Act and thereby avail themselves of these provisions.

3. The Bill is drafted generally on the lines of the existing Special Marriage Act of 1872 and the notes on clauses attached hereto explain some of the changes made in the Bill in greater detail.

NEW DELHI; C. C. BISWAS.
The 23rd July, 1952.

NOTES ON CLAUSES

Clause 1.—The Act is to have extra territorial operation so as to permit of marriages between citizens of India being solemnized outside India.

Clause 3.—Diplomatic and Consular Officers may be appointed as Marriage Officers outside India.

Clause 4.—Apart from the fact that the provisions of this Act, if passed, will apply to all persons marrying thereunder irrespective of the religion they may possess, the other changes of importance which have been made in this clause, a compared with section 3 of Act III of 1872, are the following, namely:—

(*a*) the addition of a new condition relating to idiocy and lunacy as in sub-clause (*b*);

(*b*) the raising the age limit for marriage to 18 in the case of either party, subject to the obtaining the consent of the father or guardian where he or she has not attained the age of 21 years;

(*c*) the provision for marriages abroad between citizens of India;

(*d*) the re-statement of prohibited degrees in simpler terms.

Clauses 5 to 12.—Apart from minor drafting changes, these clauses correspond to sections 4 to 13 of Act III of 1872 except that in clauses 5 and 11 the period of 14 days now available is being increased to 30 days. Incidentally, in clause 8 a special provision is sought to be made for the disposal of objections in the case of intended marriages abroad.

Clause 13 is a new and useful provision on the lines of section 52 of the Christian Marriage Act, 1872.

Clauses 14 to 17 are new and provide for the registration under this Act of marriages solemnized in other forms, so as to enable the parties thereto to avail themselves of the benefits of this Act. No application for such registration can, however, be made unless it is signed by both the parties to the marriage.

Clauses 18 to 27 correspond to sections 22, 23, 25, 26, 17, 24, 19, 15, 16 and 21 respectively of Act III of 1872. With respect to clause 19, the Caste Disabilities Removal Act, 1850, provides that so much of any law or usage as may be held in any way to impair or affect any right of inheritance of any person by reason of his or her renouncing or having been excommunicated from the communion of any religion or being deprived of caste shall cease to be enforced as law. In clause 21 it is now provided that the mother also, if otherwise entitled, may adopt a son.

Clauses 28 to 33.—Although some of these clauses are new, they are self-explanatory and do not call for any comment.

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NOTIFICATION.

No. L.D. 993—Legis. 35-52-3, dated Bangaloro, 1st September 1952.

In pursuance of the adoption of a motion by the Council of States on the 7th August 1952, the Cantonments (Amendment) Bill, 1952, with the statement of objects and reasons, is hereby published for the purpose of eliciting opinion of the public thereon.

The last date within which opinions may be sent is 30th September 1952.

Opinions should be sent addressed to the Secretary to Government, Law Department, Government of Mysore, Old Public Offices, Bangalore-1.

Opinions sent direct to the Council of States Secretariat, New Delhi, or to any other Ministry of the Government of India, will not be considered.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

BILL No. IV OF 1952

THE CANTONMENTS (AMENDMENT) BILL, 1952

(AS INTRODUCED IN THE COUNCIL OF STATES).

A

BILL

further to amend the Cantonments Act, 1924.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Cantonments (Amendment) Act, 1952.

2. *Amendment of section 2, Act II of 1924.*—In section 2 of the Cantonments Act, 1924 (hereinafter referred to as the principal Act),—

(*a*) after clause (ii) the following clause shall be inserted, namely:—

'(iia) "boundary wall" means a wall which abuts on a street and which does not exceed eight feet in height;';

(*b*) in clause (iv), for the brackets and words "(other than a boundary wall not exceeding eight feet in height and not abutting on a street)" the brackets and words "(other than a boundary wall)" shall be substituted.

3. *Omission of section 2A, Act II of 1924.*—Section 2A of the principal Act shall be omitted.

4. *Amendment of section 4, Act II of 1924.*—In sub-section (1) of section 4 of the principal Act, after the words "The Central Government may," the words "after consulting the State Government concerned," shall be inserted.

5. *Amendment of section 12, Act II of 1924.*—In the proviso to sub-section (1) of section 12 of the principal Act, for the words "Provided that" the following shall be substituted namely:—

"Provided that where a member of the Military lands and Cantonments Service is not readily available for such appointment, a Military Officer may be appointed as an Executive Officer:

Provided further that"

6. *Amendment of section 26, Act II of 1924.*—In sub-section (3) of section 26 of the principal Act,—

(*a*) the words "or the inhabitants into classes," shall be omitted; and

(*b*) the words "or class, as the case may be" shall be omitted.

7. *Amendment of section 28, Act II of 1924.*—In sub-section (2) of section 28 of the principal Act, after clause (*dd*) the following clause shall be inserted, namely:

"(*ddd*) is a member of any other local authority; or"

8. *Omission of section 30, Act II of 1924.*—Section 30 of the principal Act shall be omitted.

9. *Amendment of section 31, Act II of 1924.*—In section 31 of the principal Act,—

(i) in clause (*a*) the words "or of the inhabitants of a cantonment into classes, or both" shall be omitted;

(ii) in clause (*b*) the word "or class of persons" shall be omitted.

10. *Amendment of section 34, Act II of 1924.*—To clause (*b*) of sub-section (1) of section 34 of the principal Act, the following *Explanation* shall be added namely :—

Explanation.—In computing the aforesaid period of three consecutive months, no account shall be taken of any period of absence with the leave of the Board.

11. *Amendment of section 43A, Act II of 1924.*—In sub-section (1) of section 43A of the principal Act, for the words "bazaar areas" the words "civil areas" shall be substituted.

12. *Amendment of section 73, Act II of 1924.*—In sub-section (3) of section 73 of the principal Act, for the words "as the Executive Officer may direct," the words "as may be determined by rules made under section 280," shall be substituted.

13. *Amendment of section 103, Act II of 1924.*—For sub-section (2) of section 103 of the principal Act, the following sub-section shall be substituted, namely :—

"(2) If any person when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Executive Officer or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees and shall also be liable to be assessed at such amount on account of tax as the Executive Officer may deem proper, and the assessment so made, shall, subject to the provisions of this Act, be final."

14. *Amendment of section 113, Act II of 1924.*—In clause (*b*) of sub-section (1) of section 113 of the principal Act, for the words "one hundred rupees" the words "two hundred rupees" shall be substituted.

15. *Amendment of section 114, Act II of 1924.*—In sub-section (1) of section 114 of the principal Act,—

(*a*) for the words "fifty rupees" the words "one hundred rupees" shall be substituted ;

(*b*) in the proviso, for the words "two hundred rupees" the words "five hundred rupees" shall be substituted.

16. *Amendment of section 118, Act II of 1924.*—In sub-section (4) of section 118 of the principal Act,—

(*a*) after the word "picketed" the words "or straying" shall be inserted ; and

(*b*) the words "as if the animal had been found straying" shall be omitted.

17. *Amendment of section 181, Act II of 1924.*—In sub-section (6) of section 181 of the principal Act, for the words "one month", wherever they occur, the words "two months" shall be substituted.

18. *Amendment of section 185, Act II of 1924.*—In sub-section (1) of section 185 of the principal Act, for the words "six months" the words "twelve months" shall be substituted.

19. *Substitution of new section for section 200, Act II of 1924.*—For section 200 of the principal Act, the following section shall be substituted, namely :—

"200. *Power to transfer by public auction, etc.*—The Board may transfer by public auction, for any period not exceeding three years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter house, or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter house :

Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief of the Command,—

(*a*) either levy such stallages, rents or fees as it thinks fit; or

(*b*) farm the stallages, rents and fees leviable under clause (*a*) for any period not exceeding one year at a time"

20. *Amendment of section 210, Act II of 1924.*—To sub-section (2) of section 210 of the principal Act, the words "or that the premises in which the business is intended to be established or maintained are unsuitable for the purpose" shall be added.

21. *Amendment of section 235, Act II of 1924.*—In section 235 of the principal Act,—

(*a*) after the words "Officer Commanding the station", wherever they occur, the words "or the Board" shall be inserted;

(*b*) after the words "before him" the words "or the Board, as the case may be" shall be inserted;

(*c*) for the words "he may" the words "the Officer Commanding the station or, as the case may be, the Board may" shall be substituted.

22. *Amendment of section 237, Act II of 1924.*—In section 237 of the principal Act,—

(*a*) after the words "Officer Commanding the station", wherever they occur, the words "or the Board" shall be inserted;

(*b*) for the words "as he thinks necessary" the words "as he or it thinks necessary" shall be substituted;

(*c*) for the words "he may" the words "he or, as the case may be, the Board may" shall be substituted.

23. *Amendment of section 259, Act II of 1924.*—In section 259 of the principal Act,—

(*a*) in sub-section (1),—

(i) for the words "arrears of any tax and any other money recoverable by a Board under this Act," the words "arrears of any tax, rent on land and buildings and any other money recoverable by a Board or a Military Estates Officer under this Act or the rules made thereunder" shall be substituted;

(ii) for the words "tax or money" the words "tax, rent or money" shall be substituted;

(*b*) in sub-section (2) after the words "by the Executive Officer" the words "or the Military Estates Officer" shall be inserted.

24. *Amendment of section 280, Act II of 1924.*—In sub-section (2) of section 280 of the principal Act,—

(*a*) after clause (*k*), the following clauses shall be inserted, namely:—

"(*l*) the grant of leave to the members of the Board;

(*m*) the form of notices required to be sent under this Act and the manner of their service."

25. *Amendment of section 286A, Act II of 1924.*—Section 286A of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its

functions under sub-section (3) of section 82, sub-section (3) or clause (*b*) of sub-section (5) of section 119, section 131, sub-section (2) of section 132, section 143, section 161, section 163, section 164, section 168, section 169, section 189, section 190, section 191, section 194, section 195, section 196 or section 197."

STATEMENT OF OBJECTS AND REASONS.

In pursuance of a recommendation of the Conference of the Local Self-Government Ministers of States held on the 7th August, 1948, the Government of India set up the Central Committee on Cantonments under the Chairmanship of Shri S. K. Patil. The Committee *inter alia* reviewed the working of the Cantonments Act, 1924 and after taking into account the views and suggestions of State Governments, Local Bodies, Associations and individuals, made certain recommendations for amending the Act. The amendments proposed in this Bill are mainly based on the recommendations of that Committee. The amendments aim largely at increasing the efficiency of administration of Cantonment Boards and to bring the system of election in line with general principles adopted for Parliamentary and Municipal elections. It is proposed to abolish communal reservation on Boards and also to provide that one person should not be allowed to be a member of two Local Bodies at the same time. Certain consequential changes have also been made as a result of the introduction of adult franchise. Power has been taken by the Government to fill up short term vacancies in the office of the Executive Officer by Military Officers when officers of the Military Land and Cantonment Service are not readily available. Boards have been vested with greater powers in respect of recovery of dues and other matters for the sake of improving the efficiency in the administration. Certain amendments are intended to clarify some doubts about the application of certain sections. The Bill also deals with some minor difficulties disclosed by the working of the Act.

N. GOPALASWAMI.

NEW DELHI;
The 17*th July*, 1952.

ANNEXURE.

EXTRACTS FROM THE CANTONMENTS ACT, 1924 (II OF 1924).

* * * *

Section 2.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

* * * *

(iv) "building" means a house, outhouse, stable, latrine, shed, hut or other roofed structure whether of masonry, brick, wood, mud, metal or other material, and any part thereof, and includes a well and a wall (other than a boundary wall not exceeding eight feet in height and not abutting on a street) but does not include a tent or other portable and temporary shelter ;

* * * *

Section 2A.

2A. *Rule of construction.*—In the application of this Act to any Part B State, any reference to an enactment not in force in that State shall be construed as a reference to the corresponding law in force in the State.

* * * *

Section 4.

4. *Alteration of limits of cantonments.*—(1) The Central Government may, by notification in the Official Gazette, declare its intention to include within a cantonment any local area situated in the vicinity thereof or to exclude from a cantonment any local area comprised therein.

* * * *

Section 12.

12. *Appointment of Executive Officer.*—(1) The Executive Officer of every cantonment shall be appointed by the Central Government, or by such person as the Central Government may authorise in this behalf, from the Military Land and Cantonments Service constituted by rules made under section 280 :

Provided that an Executive Officer appointed before the commencement of the Cantonments (Amendment) Act, 1936, shall, unless the Central Government otherwise directs in any case, be deemed to have been duly appointed in accordance with this sub-section.

* * * *

Section 26.

26. *Electoral rolls.*—

* * * *

(3) When a cantonment has been divided into wards, or the inhabitants into classes, the electoral roll shall be divided into separate lists for each ward or class, as the case may be.

* * * *

Section 30

30. *Joint families, etc.*—Notwithstanding anything hereinbefore contained, the Central Government may make rules conferring on the manager or representative of an undivided family or of any company or firm or other association or body or on any trustee of any land a right to be enrolled as an elector or to be nominated as a candidate at elections to a Board.

* * * *

Section 31

31. *Power to make rules regulating elections.*—The Central Government may, either generally or specially for any cantonment or group of cantonments, after previous publication, make rules consistent with this Act to regulate all or any of the following matters for the purpose of the holding of elections under this Act, namely :—

(*a*) the division of a cantonment into wards, or of the inhabitants of a cantonment into classes, or both ;

(*b*) the determination of the number of members to be elected by each ward or class of persons.

* * * *

Section 34

34. *Removal of members.*—(1) The Central Government may remove from a Board any member thereof who—

* * * *

(*b*) has absented himself for more than three consecutive months from the meetings of the Board and is unable to explain such absence to the satisfaction of the Board ; or

* * * *

Section 43A

43A. *Committee for bazars.*—(1) Every Board constituted under section 13 in a Class I Cantonment or Class II Cantonment shall appoint a committee consisting of the elected members of the Board, the Health Officer and the Executive Engineer for the administration of such areas in the cantonment as the Central Government may, by notification in the Official Gazette declare to be bazar areas, and may delegate its powers and duties to such committee in the manner provided in clause (*e*) of sub-section (1) of section 44.

* * * *

Section 73

73. *Notice of transfers.*—

* * * *

(3) The notice to be given uuder this section shall be in such form as the Executive Officer may direct, and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Executive Officer any documents evidencing the transfer or devolution.

* * * *

Section 103

103. *Obligation to disclose liability.*—

* * * *

(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it or furnishes information which is not true to the best ofhis knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees.

* * * *

Section 113

113. *Sanction.*—

* * * *

(*b*) which involves a value or amount exceeding one hundred rupees, shall require the sanction of the Board.

* * * *

Section 114

114. *Execution of contracts.*—(1) Every contract made by or on behalf of a Board the value or amount of which exceeds fifty rupees, shall be in writing, and every snch contract shall, be signed by two members, of whom the President or the Vice-President shall be one, and be countersigned by the Executive Officer and be sealed with the common seal of the Board :

Provided that the Executive Officer may in a case of urgency, with the previous sanction of the President of the Board, execute on behalf of the Board any contract the value or amount of which does not exceed two hundred rupees.

* * * *

Section 118

118. *Penalty for causing nuisances.*—

* * * *

(4) Any animal found picketed as aforesaid may be removed by any officer or servant of the Board or by any police officer to a pound as if the animal had been found straying.

* * * *

Section 181

181. *Power of Board to sanction or refuse.*—

* * * *

(6) Where the Board neglects or omits, for one month after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter by a written communication sent by registered post to the Board calls the attention of the Board to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the Board shall be deemed to have given sanction to the erection or re-erection, ast he case may be, unconditionally :

Provided that, in any case to which the provisions of sub-section (*3*) apply, the period of one month herein specified shall be reckoned from the date on which the Board has received the report referred to in that sub-section.

* * * *

Section 185

185. *Power to stop erection or re-erection or to demolish.*—(*1*) A Board may, at any time, by notice in writing, direct the owner, lessee or occupier of any land

in the cantonment to stop the erection or re-erection of a building in any case in which the Board considers that such erection or re-erection is an offence under section 184, and may in any such case or in any other case in which the Board considers that the erection or re-erection of a building is an offence under section 184, within six months of the completion of such erection or re-erection in like manner direct the alteration or demolition as it thinks necessary, of the building or any part thereof, so erected or re-erected :

Provided that the Board may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable :

Provided further that the Board shall not, without the previous concurrence of the Officer Commanding-in-Chief, the Command, accept any sum by way of composition under the foregoing proviso in respect of any building on land which is not under the management of the Board.

* * * *

Section 200

200. *Levy of stallages, rents and fees.*—A Board may—

(*a*) charge for the occupation or use of any stall, shop, standing, shed or pen in a public market, or public slaughter-house, or for the right to expose goods for sale in a public market, or for weighing or measuring goods sold therein, or for the right to slaughter animals in any public slaughter-house, such stallages, rents and fees as it thinks fit ; or

(*b*) with the sanction of the Officer Commanding-in-Chief, the Command, form the stallages, rents and fees leviable as aforesaid or any portion thereof for any period not exceeding one year at a time ; or

(*c*) put up to public auction, or with the sanction of the Officer Commanding-in-Chief, the Command, dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a public market or public slaughter-house for such term and on such conditions as it thinks fit.

* * * *

Section 210

210. *Licences required for carrying on of certain occupations.*—

* * * *

(2) A licence granted under sub-section (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the Board unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public.

* * * *

Section 235

235. *Power to remove brothels and prostitutes.*—The Officer Commanding the station may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of the information received, summon the owner, lessee, tenant or occupier of the building to appear before him either in person or by an authorised agent, and, if the Officer Commanding the station is then satisfied as to the truth of the information, he may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

* * * *

Section 237

237. *Removal of lewd persons from cantonment.*—If the Officer Commanding the station is, after such inquiry as he thinks necessary, satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence under section 236, or of the abetment of such an offence, he may, cause to be served on such person an order in writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the Officer Commanding the station.

* * * *

Section 259

259. *Method of recovery.*—(1) Notwithstanding anything elsewhere contained in this Act, arrears of any tax and any other money recoverable by a Board under this Act may be recovered together with the cost of recovery either by suit or, on application to a Magistrate having jurisdiction in the cantonment or in any place where the person from whom such tax or money is recoverable may for the time being be residing, by the distress and sale of any movable property of, or standing timber, growing crops or grass belonging to, such person which is within the limits of such Magistrate's jurisdiction, and shall if payable by the owner of any property as such, be a charge on the property until paid:

Provided that the tools of artisans shall be exempt from such distress or sale.

(2) An application to a Magistrate under sub-section (1) shall be in writing and shall be signed by the President or Vice-President of the Board or by the Executive Officer, but shall not require to be personally presented.

* * * *

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV.

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1083—Legis. 6-52-43, Bangalore dated, 15th September 1952.

Ordered that Notification No. S.R.O. 1495, dated the 25th August 1952 of the Ministry of Information and Broadcasting directing that the revised version of the Film "His Kind of Woman" shall be deemed to be an uncertified film in the whole of India, published in the *Gazette of India*, Part II, Section 3, dated the 30th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 25th August 1952.

S.R.O. 1495.—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the revised version of the film 'His Kind of Woman' produced by M/S. R.K.O. Radio Picture Ltd., of the United States of America shall be deemed to be an uncertified film in the whole of India.

[No. 4/5/52-F.II.]

C. B. RAO, *Dy. Secy.*

NOTIFICATION.

No. L.D. 1034—Legis. 6-52-44, Bangalore, dated 15th September 1952.

Ordered that Notification No. S.R.O. 1491, dated the 21st August 1952 of the Ministry of Food and Agriculture under the Sugar and Gur Control Order, 1950, delegating powers to the State Governments, published in the *Gazette of India*, Part II, Section 3, dated the 30th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

New Delhi, the 21st August 1952.

S.R.O. 1491.—In exercise of the powers conferred by clause 11 of the Sugar and Gur Control Order, 1950, the Central Government hereby directs that the powers conferred on it by sub-clause (b) of clause 4 of the said Order shall also be exercisable by the State Governments of Uttar Pradesh, Bihar, Punjab, Madras, P.E.P.S.U. and Mysore in respect of manufacture of sugar from sugarcane by producers of sugar by vacuum pan process within their respective jurisdiction.

[No. SV-105 (3)/51-III.]

P. A. GOPALAKRISHNAN, *Joint Secy.*

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NOTIFICATION.

No. L.D. 1085—Legis. 5-52-68, Bangalore dated, 15th September 1952.

Ordered that Notification No. S.R.O. 1498, dated the 21st August 1952, of the Ministry of Communications amending the Indian Telegraph Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 30th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(Posts and Telegraphs).

New Delhi, the 21st August 1952.

S.R.O. 1498.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following further amendments shall be made in the Indian Telegraph Rulse, 1951, namely :—

In the said Rules—

1. In the list of exchanges annexed to sub-rule (1) of rule 430, in item II after the word "Tiruchirapalli", the word "Trichur" shall be inserted.

2. In clause (e) of rule 434, for the words "external connection" the words "internal connection" shall be substituted.

3. For rule 440, the following rule shall be substituted, namely :—

"440. *Reduced charges.*—Charges at half the rates provided in rule 439 shall be levied for all calls between 6 A.M. and midnight on Sundays and on such of the telegraph holidays as notified by the Director-General, and for calls between 9 P.M. to midnight, and between 6 A.M. and 8 A.M. on all other days.

Charges at one-third of the rates provided in rule 439 shall be levied for calls between midnight and 6 A.M. on all days.

Provided that no reduction shall be made which reduces the charge to less than six annas."

4. For rule 444, the following rule shall be substituted, namely :—

"444. *Public Call Offices: Reduced Charges.*—Charges at half the rates prescribed in clauses (3) and (4) of rule 442 shall be levied for calls between 6 A.M. and midnight on Sundays and on such of the telegraph holidays as notified by the Director-General, and for calls between 9 P.M. to midnight and between 6 P.M. and 8 A.M. on all other days.

Charges at one-third of the rates prescribed in clauses (3) and (4) of rule 442 shall be levied for calls between midnight and 6 A.M. on all days.

Provided that no reduction shall be made which reduces the charge to less than six annas."

[No. R 3-71/51.]

K. V. VENKATACHALAM, *Dy. Secy.*

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NOTIFICATION.

No. L.D. 1086—Legis. 5-52-69, Bangalore, dated, 15th September 1952.

Ordered that Notification No. S.R.O. 1499, dated the 26th August 1952, of the Ministry of Communications amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 30th August 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(Posts and Telegraphs).

New Delhi, the 26th August 1952.

S.R.O. 1499.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely :—

For sub-rule (3) of rule 44 of the said Rules, the following sub-rule shall be substituted, namely :—

"(3) No postal article containing lottery tickets or circulars relating to a lottery shall be transmitted by post unless the following conditions are satisfied :—

(*a*) the lottery tickets or circulars relate to a State lottery or to a lottery authorised by a State Government ; and

(*b*) there appear on the outside of the postal article (i) a declaration by the sender of the postal article that the lottery tickets or circulars contained therein relate to a State lottery or to a lottery authorised by a State Government, mentioning the particulars, (number, date, etc.) of the notification by the State Government notifying the State lottery or authorising the lottery and (ii) the name and the address of the sender."

[No. C-40-30/52.]

K. V. VENKATACHALAM, *Dy. Secy.*

NOTIFICATION.

No. L.S. 3382—L.W. 212-52-4, dated Bangalore, 15th September 1952.

Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the Workers and Management of the Mysore Commercial Union Ltd. (Plywood Factory), Yesvanthapur, Bangalore District, in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated 28th June 1952.

Points of Dispute.

(1) *Dearness Allowance.*—Payment of Dearness Allowance of 3 annas (Re. 0-3-0) per point raise in the cost of living index to all the employees.

(2) *Provident Fund.*—Introducing a Provident Fund Scheme for the benefit of all the employees in the Factory.

(3) *Leave facilities.*—(*a*) Grant of one month's casual leave per year to all the employees.

(*b*) Grant of a privilege leave of fifteen days per year with pay and allowances to all the employees.

(*c*) Grant of a sick-leave of one month with pay and allowance per year to all the employees.

(*a*) *Dismissals and retrenchments, etc.*—(*a*) No employee to be dismissed, discharged or suspended without adequate reasons and without proper enquiry conducted jointly by the representatives of the Management and the employeeys' Association.

(*b*) No employee to be retrenched without adequate reasons; and if retrenchment takes place every employee so retrenched to be paid retrenchment relief at the rate of one month's wages and allowances for every year of service put in by the employee.

(5) Re-instatement of the discharged employees noted below and payment to them, pay and allowances from the date of discharge to the date of their re-instatement.

Sl. No.	Name of Employees	Token No.
	Srimathies.—	
1	Kempamma	203
2	Thulasiamma	131
3	Adamma	605
4	Panchalamma	130
5	Lakkamma	606
6	Saroja	229
7	Gangamma	128

Sl. No.	Name of Employees	Token No.
	Srimathies.—	
8	Lakshmakka	129
9	Meenakshamma	503
10	Subbalakshmi	206
	Sriyuths—	
11	Muniyappa	451
12	Puttappa	298
13	Linganna	483
14	Jayarama	294
15	Kavarappa	307
16	Bettaiah	266
17	Subbaraya	285
18	Deva	271
19	Sunder Raju	265
20	Kuppuswamy	496
21	Mariprakash	291
22	Hanumanthu	475
23	Shamanna	422
24	Ramu	403
25	Sreenivas	299
26	Muniyappa	438
27	Honnappa	296
28	Rajanna	263
29	Govindappa	415
30	Kempaiah	273
31	Papaiah	284
32	Hanumaiah	281
33	Ramaswamy	292
34	Chicknarasappa	277
35	Channappa	308
36	Hanumappa	283
37	Gurappa	279
38	Thimmaiah	288
39	Chinnappa	295
40	Shama	336
41	Marappa	297
42	Gangahutchiah	497
43	Thimmaiah	437
44	Byla	475
45	Muniswamy	448
46	Shanmugam	272
47	Venkataswamy	470
48	Chinnappa	430
49	Ramaswamy	442
50	Byanna	293
51	Chikkanna	447
52	Munivenkatappa	137
53	James	435
54	Rangaswamy	451
55	Malchies	427
56	Rama	433
57	Chinnappa	460

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3405—L.W. 251-52-5, dated Bangalore, 15th September 1952

Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the District Automobile Workers' Association, Shimoga and the Central Karnataka Motor Services Ltd., Shimoga in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated 28th June 1952.

Points of Dispute.

1. Taking back to duty Driver M. D. Hayath Khan at his original place (2) payment of his salary for the period from 9th April 1952 to 5th May 1952.

By Order of His Highness the Maharaja,

N. R. Jaya Rao,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 3420—L.W. 217-52-4, Bangalore, dated 16th September 1952.

Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the workers and Management of Khoday Iswarasa & Sons' Silk Throwing Factory, Bangalore, in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Second Industrial Tribunal constituted in Notification No. L.S. 1515—L.W. 131-52-1, dated the 28th June 1952.

POINTS OF DISPUTE.

1. Workers employed in Silk Department, Engineering Department, Winding Department and Warping Department be started on a minimum basic wage of Rs. 1-4-0, 2-0-0, 1-8-0 and Rs. 2-0-0, respectively.

2. Workers in the Ribbon Department to be paid at the following piece-rates of wages.

		Rs.	a	p.	
(*a*) Silk Ribbon	...	0	5	0	per yard of warp
(*b*) Satin Ribbon	...	0	6	0	,,
(*c*) Cotton Ribbon	...	0	3	0	,,

3. Dearness allowance at the rate of annas 0-3-0 per point in the cost of living index over 100 points to be paid to all workers.

4. Workers to be granted sick leave of 15 days with full wages per year.

5. Workers to be granted 12 festival holidays in a year in consultation with the Association.

6. Workers to be paid 3 months' wages as Bonus.

7. Grant of annual increment to workers at Rs. 2 per rupee of the basic wages.

8. Overtime wages at double the rate of basic wages to be paid to workers for each extra hour of work.

9. All workers who have putin 3 months' service to be treated as permanent employees and given suitable grades and increments according to the weightage of their service.

10. Payment of gratuity at the rate of 2 months' wages for each year to be paid to workers at the end of every 5 years' of service.

11. Working hours of the factory to be changed to, 7-30 A.M. to 11-30 A.M. and 12-30 P.M. to 4-30 P.M.

12. Grace time of 10 minutes to be allowed after the bell for workers to enter the factory.

13. Wall clocks to be put up in all departments of factory.

14. A worker in the Winding Department to mind only eight heads of the machine.

15. A worker in the Twisting Department to mind only one (American) Single Deck machine and two workers mind one (American) Double Deck machine and 4 workers to mind one native twisting machine.

16. In the Doubling Department 4 workers to mind one machine.

17. Payment of arrears of wages to workers (1) Shunmugam (Old E. 13) New No. 1, (2) Shunmugam Old No. 44 No. E. 3, (3) Venkatesh No. E. 42 between 29th June 1951 and 21st July 1952 for having kept out of employment wrongfully.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 3466—L.W. 172-52-6, Bangalore, dated 22nd September 1952.

Ordered that the award of the Labour Appellate Tribunal of India at Bombay, in Applications (Stay) (Bom.) Nos. 498, 500, 501 and 502 in Appeals (Bom.) Nos. 245 to 248 of 1952, received by the State Government as per Section 9 (9) of the Industrial Disputes (Appellate Tribunal) Act, 1950, be published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

IN THE HONOURABLE LABOUR APPELLATE TRIBUNAL OF INDIA AT BOMBAY.

Application (Stay) (Bom.) No. 498 *of* 1952 *in Appeal (Bom) No.* 245 *of* 1952.

Minerva Mills, Ltd., having its Registered Office at 70, Forbes Street, Fort, Bombay, and its Mills on Magadi Road, Bangalore, and its local Registered Office on Venkatarangiengar Road, Malleswaram, Bangalore-3 ... ... Applicants.

Versus

(1) The Workers of Minerva Mills, Ltd., represented by the Minerva Mills Labour Association, Honnappa Buildings, Magadi Road, Bangalore. ...
(2) Workers not represented by Opponent No. 1 ... } Opponents.

Application (Stay) (Bom.) No. 500 *of* 1952 *in Appeal (Bom.) No.* 246 *of* 1952.

Minerva Mills, Ltd., having its Registered Office at 70, Forbes Street, Fort, Bombay, and its Mills on Magadi Road, Bangalore, and its local Registered Office on Venkatarangiengar Road, Malleswaram, Bangalore—3. ... ... Applicants.

Versus

(1) The Workers of Minerva Mills, Ltd., represented by the Minerva Mills Labour Association, Honnappa Buildings, Magadi Road, Bangalore. ...
(2) Workers not represented by Opponent No. 1 ... } Opponents.

Application (Stay) (Bom.) No. 501 *of* 1952 *in Appeal (Bom.) No.* 247 *of* 1952.

The Mysore Spinning and Manufacturing Co. Ltd., having its Registered Office at 70, Forbes Street, Fort, Bombay, and its Mills and local Registered Office on Venkatarangiengar Road, Malleswaram, Bangalore-3. ... ... Applicants.

Versus

(1) The Workers of the Mysore Spinning and Manufacturing Co. Ltd., represented by the Mysore Mills Labour Association, Sharada Buildings, Sriramapuram, Bangalore-3 ... Opponents.
(2) Workers not represented by Opponent No. 1 ...

Application (Stay) (Bom.) No. 502 *of* 1952 *in Appeal (Bom.) No.* 248 *of* 1952.

The Mysore Spinning and Manufacturing Co. Ltd., having its Registered Office at Bombay, and its Mills and local Registered Office at Malleswaram, Bangalore-3 ... ... Applicants.

Versus

(1) The Workers of the Mysore Spinning and Manufacturing Co. Ltd., represented by the Mysore Mills Labour Association, Bangalore. ... Opponents.
(2) Workers not represented by Opponent No. 1 ...

In the matter of applications for stay of further proceedings before the Industrial Tribunal (Sri B. R. Ramalingiah, Chairman, Janab Mohammed Sheriff and Sri K. Shamaraja Iyengar, Members) Bangalore, in A.C. Nos. 2, 3, 4, 5 and I.C. Nos. 8, 9, 11, 13, 15, 16, 17 and 18/51-52.

The 26th day of August 1952.

Present

Mr. K. P. Lakshmana Rao, *President*.
Mr. F. Jeejeebhoy, *Member*.

Appearances.—

For the Applicants	...	Sri B. Shankar Rau, Advocate.
For the Opponents No. 1 in Applns. Nos. 498 and 500—1952		Sri V. L. Narasimha Moorthy, Advocate. Also Miss Rathnabai Chittur, Advocate.
For the Opponents No. 1 in Applns. Nos. 501 and 502—1952.		Sri N. S. Giradkar, Advocate.
For the Opponents No. 2	...	No appearance.

State :—Mysore.

Industry :—Textile (Cotton).

ORDER.

These are applications for stay of further proceedings in these References before the Tribunal which is now seised of them. On 15th June 1951 the Government of Mysore constituted a Tribunal consisting of a Chairman and two Members for a period of one year. The year having expired, on 27th June 1952, another Tribunal

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consisting of a Chairman and two Members was constituted and this Tribunal was directed to hear and dispose of the References which remained pending before the first Tribunal including the cases before us. When these References came up before the second Tribunal, a preliminary objection was raised by the employers as to the competency of this second Tribunal to hear the References. The Tribunal considered the objection, and has come to the conclusion that it has been validly constituted and is properly seised of the Referenced, and has therefore decided to proceed with the hearings.

2. It has been urged before us that we should stay further proceeding before the Tribunal in exercise of our powers under section 14 of our Act, but in our view section 14 has no application because the subject matter before us does not involve the implementation of an award or decision, and furthermore even if section 14 did apply there could be no serious repercussions on the industry or other industries, or on the workmen employed therein, to justify the stay of the proceedings. It has next been said that we should act under section 151 of the Civil Procedure Code and exercise our inherent powers. Assuming the existence of such inherent powers, we do not think that this is a proper case in which we should exercise it. Nothing more has been done by the first Tribunal than the completion of the pleadings and the framing of certain issues. No prejudice therefore can proceed from the fact that the Tribunal before which the cases are now pending decides to hear the References on the issues which have been framed or on such other issues as it may itself frame. The applications are therefore dismissed.

K. P. LAKSHMANA RAO,
President.

F. JEEJEEBHOY,
Member.

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LABOUR DEPARTMENT.

NOTIFICATION.

No. L.S. 3468—L.W. 172-52-8, dated Bangalore, 22nd September 1952.

Labour Disputes—Dispute between Workers and Management of the Mysore Sugar Company, Limited, Mandya. Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

1. Letter No. Nil dated 28th April 1952 from Sri A. R. Nageswara Iyer, B.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Friday the 8th day of August 1952.

Present.

Sri A. R. Nageswara Iyer, B.A., B.L. ... *Chairman.*

Sri V. Kandaswamy Pillai, B.A., B.L. ... *Member.*

I. C. No. 3 of 1952-53.

BETWEEN THE MANAGEMENT OF THE MYSORE SUGAR COMPANY, LIMITED, MANDYA AND THEIR WORKMEN.

Complaints Nos. 1 to 9/52-53.

Siddayya and others ... *Complainants.*

Vs.

The Management of the Mysore Sugar Company, Limited, Mandya. ... *Respondents.*

For the Complainants.

Sri M. Mahabala Rao, Counsel.

For the Respondents.

Sri G. R. Ethirajulu Naidu, Advocate.

AWARD.

These are complaints under Section 33 (A) of the Industrial Disputes Act. The allegation made by the complainant in each case is that subequent to the reference of the disputes between the Mysore Sugar Company, Limited, and their workmen to this Tribunal for adjudication, the Management without obtaining the permission from the Tribunal, as required by Section 33 of the Act, have meted out punishments to these workers and that that offends the provisions of that section. The complainants in these cases pray that the order of the Management against them may be cancelled and that except in Complaint No. 2/52-53 they may be ordered to be reinstated with back pay.

An objection statement covering all these cases was filed on behalf of the Management and they were all consolidated with the consent of the parties and the case was heard in part.

Sri G. R. Ethirajulu Naidu, learned counsel for the Management, submitted on the next date of hearing that the objection statement filed by the Management would be withdrawn and that the complainants who were discharged from service would be reinstated and the order of transfer of the worker in Complaint No. 2/52-53 would be cancelled. A memo to that effect was also filed by him. Both sides agree that the above proposals be given given effect to before the 9th instant and that those who rejoin duty by the 9th would have their wages until that date and those who rejoin duty subsequent to the 9th would not be entitled to their wages subequent to that date.

Our award therefore is that the order of transfer of the complainant in Complaint No. 2/52-53, stands cancelled and that the complainants in the other cases will be reinstated by the Management before the 9th instant, provided they turn up for duty by then and will be paid their wages until that date, *i.e.*, the 9th of August 1952. Those rejoining duty subsequent to 9th August will not be entitled to their wages thereafter, *i.e.*, subsequent to the 9th August until the date of their rejoining duty. In the circumstances, parties will bear their own costs.

A. R. NAGESWARA IYER,
Chairman.

V. KANDASWAMY PILLAI,
Member.

ORDER No. L.S. 3468—L.W. 172-52-8, DATED BANGALORE, THE 22ND SEPTEMBER 1952.

Whereas under section 33 (A) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by Siddayya and other workmen of the Mysore Sugar Company, Limited, Mandya, to the Industrial Tribunal, Bangalore, that their employers (the Management of the Mysore Sugar Company, Limited), have during the pendency of proceedings before the Tribunal, contravened the provisions of section 33 of the said Act;

And whereas the award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the poweres conferred by section 17 of the said Act, the Government of Mysore hereby directs that the said award, as above, be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

LAW DEPARTMENT.

NOTIFICATION.

Order No L.S. 3480—L.W. 172-52-10, dated Bangalore, 23rd Septem 1) 19 2.

Labour Disputes—Industrial Dispute between Workers and Management of the Mysore District Automobile Services—Award of the Industrial Tribunal, Bangalore—Published:

Read the following papers:—

(1) Letter dated the 21st August 1952, from Sri B. R. Ramalingiah, M.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Thursday, the 21st August 1952.

PRESENT.

Sri B. R. Ramalingaiah, M A., B.L.	... ...	*Chairman.*
Janab Mahmood Sheriff, B.A., LL.B.	... ...	*Member.*
Sri K. Shamaraja Iyengar, B.A.	... ...	*Member.*

I Party.

The Mysore District Automobile Workers' Association, Mysore.

Versus

II Party.

The Mysore District Automobile Owners' Association, Mysore.

A.C. No. 1 of 1951-52.

AWARD.

This dispute was referred for adjudication by the Government to the Tribunal by their Notification No. L.S. 1866—L.W. 71-50-25, dated 7th August 1951, under Section 10 (1) (c) of the Industrial Disputes Act, 1947. This case came up for hearing to-day in the presence of Sri A. Venkateshiah, Advocate for the employers, and Sri J. Devanath for the employees, when the parties filed a compromise petition as per the copy annexed praying that an award in terms of it be passed. Accordingly we pass an award in terms of the said compromise.

ANNEXURE A.

WHEREAS by the Notification No. L.S. 1866—L.W. 71-50-25, dated 7th August 1951, the Government have referred for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, 20 demands (as per Annexure "B") made by the Workers of the Mysore District Automobile Services against the Automobile Service also mentioned therein as per the particulars mentioned in it and whereas in the course of the trial the workers gave up the demands Nos. 2, 3, 8, 12, 13 (b) and 19 and the demands Nos. 4, 7, 10, 11 and 13 (a) and 20 were settled by the Tribunal as per the awards passed based on consent on 21st April 1952 and 14th June 1952,

which were published in the Official Gazette on 12th June 1952 and 3rd July 1952 respectively and whereas the demands Nos. 1, 5, 6, 9, 14, 15, 16, 17 and 18 remain to be settled, the workers of the aforesaid Automobile services and the employers of the said Automobile services hereby effect the settlement of these demands also by agreement as follows :—

DEMAND NO. 1.—(Provident Fund Scheme).

(1) That in respect of each permanent employee the employers should contribute to the Provident Fund Re. 0-0-8 and the employee should contribute Re. 0-1-0 per rupee of the employee's basic monthly salary ;

(2) that the provident fund which should be treated as a separate fund, should be kept as a deposit in the Government Savings Bank so that it may fetch interest ;

(3) that the amount to the credit of each employee in the provident fund should be returned to him on his retirement or to his heirs or legal representatives on his death ; and

(4) that in the event of removal on account of misconduct the employees are entitled to their contribution but not to the employers' contribution.

DEMAND NOS. 5, 6 AND 14—(Leave).

That the employers should give to the employees who are Drivers and Conductors (i) weekly holidays with wages, (ii) seven days' privilege leave, (iii) seven days' sick leave with full pay inclusive of Dearness Allowance and the employers should give to their other employees all holidays as per the provisions of the Shops and Establishments Act, and that the sick leave should be granted on the basis of a medical certificate granted by a Registered Medical Practitioner.

DEMAND NO. 9—(Canteen).

That the employees should give up this demand.

DEMAND NO. 15—(Pay).

That the employees should make payments on or before the 5th of every month.

DEMAND NO. 16—(Subscription).

That the employees will not press this demand.

DEMAND NO. 17—(Standing Orders).

That the C.P.C. Company should frame Standing Orders ; and

DEMAND NO. 18—(Bonus).

That the Automobile Services should pay bonus to each employee, who has not already drawn his bonus, 1/12th of his basic wage during the year 1948 (from 1st of January 1948 to 31st of December 1948, within a month after this Award becomes enforcible.

Both parties pray that an Award may be passed in terms of the agreement as set out above.

T. SUBBANNA,
Secretary,
Mysore District Automobile Workers' Association.

C. J. DEVANATH,
Advocate and President, Mysore District Automobile Workers' Association.

A. VENKATESHIAH,
Advocate for the Mysore District Automobile Owners' Association, Mysore.

B. R. RAMALINGIAH,
Chairman.

MAHMOOD SHERIFF,
Member.

K. SHAMARAJA IYENGAR,
Member.

ANNEXURE "B".

Demands of the Mysore District Automobile Workers.

1. Institution of Provident Fund Scheme for the benefit of the Automobile Workers.

2. Drivers, Conductors and Cleaners should be insured by the employers.

3. No worker should work for more than eight hours a day.

4. All the workers who have put in three months' service should be confirmed.

5. Weekly holidays with wages.

6. Workers who have put in three months' continuous service should be given four days' casual leave and fourteen days' privilege leave.

7. The running staff should be provided with food, etc., when on the line.

8. Workers should be given three months' wages as annual bonus and one month's wages for Independence Day Celebrations.

9. Opening of a free Canteen at the workshops.

10. The employers should meet all the expenses of the running staff when on the line.

11. Proper classification of workers. They should not be changed to other jobs without reason.

12. Workshop workers should not be given more than eight days' work on the line.

13. (*a*) The wages of drivers, conductors, cleaners, fitters, mechanics, clerks and agents should be fixed as follows :—

	Minimum.	*Increment.*	*Maximum.*
	Rs.	Rs.	Rs.
(1) Drivers	90	6	150
(2) Conductors	50	4	90
(3) Cleaners	30	3	60
(4) Mechanics	150	10	200
(5) Clerks	50	4	90
(6) Checking Clerks and Fitters ...	60	5	100

(*b*) In addition Drivers and Conductors going on the line, should receive each an allowance of Rupees Two per day.

14. The worker should be paid half the basic wages when he falls ill (sick).

15. Payments should be made within the 5th of every month.

16. The membership subscription should be deducted from the wages of the workers by the employers and credit to the account of the Association.

17. That the Proprietors should immediately frame Standing Orders.

18. That all the Proprietors should give their employees four months' bonus as their profits during 1948-49 were high.

19. That as there was difficulty for housing accommodation in Mysore, the Proprietors should construct houses for their employees.

20. That every employee should be paid Dearness Allowance.

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

B. R. RAMALINGIAH,

Chairman,
Industrial Tribunal, Bangalore.

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ORDER NO. L.S. 3480—L.W. 172-52-10, DATED BANGALORE, THE 23RD SEPTEMBER 1952.

WHEREAS by State Government Notification No. L.S. 1866—L.W. 71-50-25, dated the 7th August 1951, the Industrial Dispute between Workers and Management of the Mysore District Automobile Services mentioned in the said notification was referred to the Industrial Tribunal, Bangalore, for adjudication;

AND WHEREAS the Industrial has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department

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LABOUR DEPARTMENT.

L.S. 3634—L.W. 172-52-14, dated Bangalore, 4th October, 1952.

Labour Disputes—Dispute between Workers and Management of Messrs. K. H. Shama Rao & Sons, Bangalore—Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

1. Letter dated 12—16th September 1952, from Sri B. R. Ramalingaiah, Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Saturday the 30th of August 1952.

Present.

Sri B. R. Ramalingaiah, M.A., B.L.	...	*Chairman.*
Sri Mahmood Sheriff, B.A., LL.B.	...	*Member.*
Sri K. Shamarajaiyengar, B.A.	...	*Member.*

I.C. 17—51-52.

INDUSTRIAL DISPUTE BETWEEN THE MANAGEMENTS AND THE EMPLOYEES OF MESSRS. K. H. SHAMA RAO & SONS., BANGALORE.

ORDER.

Complaint No. 1—52-53.

This is a complaint filed by the complainant Govindaraj, Token No. 401 during the pendency of the industrial dispute case No. I.C. 17—51-52, under Section 33 (a) of the Industrial Disputes Act, praying that the Tribunal may be pleased to pass an award directing the Respondents (Managements) to refund the sum of Rs. 1-8-0, being the aggregate amount of fines at the rate of Re. 0-8-0 imposed on him on each of the three dates 4th March 1952, 10th March 1952 and 12th March 1952 on the ground that, as the Respondents (Managements) have not sought the permission of the Tribunal under Section 33 of the Industrial Disputes Act while the proceedings in the said Industrial Disputes Case were pending, the levy of fine is illegal. The Respondent (Management) admits having fined the complainant on those days as alleged, without the permission of this Tribunal.

In the course of his arguments the learned counsel for the Management conceded that the Management has contravened Section 33 in imposing the fines on the complainant without the prior written permission of this Tribunal and submitted that the Management would refund the fines imposed on the complainant. In the result, we allow the complaint and direct the Respondent (Management) to refund to the complainant the sum of Rs. 1-8-0 being the aggregate sum of fines imposed on him. We make no orders to the costs of the complaint. The Award will be submitted to Government for publication in the official Gazette.

Complaint No. 3—52-53.

This is a complaint under Section 33 (a) of the Industrial Disputes Act, 1947, filed by the complainant Abdul Gani, Token No 390, against the Respondent (Management: Messrs. K. H. Shama Rao & Sons, Bangalore), praying that the Tribunal may be pleased to pass an award directing the Respondent (Management) to refund the sum of Re. 0–8–0 being the fine which the Respondent (Management) had illegally imposed on him on 18th February 1952 during the pendency of the industrial dispute case, without obtaining the prior written permission of the Tribunal under Section 33 of the Industrial Disputes Act, 1947 and hence has contravened the provisions of the said Section. The Respondent (Management) admits in its objection statement having imposed the fine on the complainant without the express permission in writing of this Tribunal. In the course of his arguments the learned counsel for the Respondent submitted that the Management has contravened the provisions of Section 33 of the Industrial Disputes Act by imposing the fine without obtaining the written permission of the Tribunal and that the Management is prepared to refund the said amount to the complainant.

In the result we allow the complaint, and direct the Respondent to refund to the complainant the said sum of Re. 0-8–0 being the fine illegally levied on him. We make no orders to the cost of the application. The award will be submitted to the Government for publication in the official Gazette.

Complaint No. 5—52-53.

This is a complaint filed under Section 33 (a) of the Industrial Disputes Act, 1947, by the complainant Muniswamy, Token No. 562, against the Respondent (Management: Messrs. K. H. Shama Rao & Sons, Bangalore), under Section 33 (a) of the Industrial Disputes Act, 1947, praying that the Tribunal may be pleased to pass an award directing the Respondent (Management) to refund the sum of Re. 0–8–0 being the fine imposed on him on 30th January 1952 without obtaining the prior permission of the Tribunal under Section 33 of the Industrial Disputes Act, as the levy of the said fine in contravention of Section 33 of the said Act during the pendency of the dispute is illegal.

The Respondent (Managment) has in its objection statement expressed regret for having imposed the said fine on the complainant without taking the prior written permission of the Tribunal. In the course of arguments, the learned counsel for the Management (Respondent) submitted that the Management has contravened the provisions of section 33 of the Industrial Disputes Act by imposing the fine without obtaining the prior written permission of the Tribunal, and that hence the Management is prepared to refund the said fine imposed, to the complanant. In the result, for the reasons stated above, we allow the complaint and direct the Management to refund the said amount to the complainant. We make no orders to the cost of the application. The award will be submitted to the Government for publication in the official Gazette.

B. R. RAMALINGAIAH,
Chairman.

MAHMOOD SHERIFF,
Member.

K. SHAMARAJA IYENGAR,
Member.

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ORDER No. L.S. 3634—L.W. 172-52-14, DATED BANGALORE, THE 4TH OCTOBER 1952.

WHEREAS under Section 33 (a) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by Sri Govindaraj, Token No. 401 and two other Workers of Messrs. K. H. Shama Rao & Sons, Bangalore, to the Industrial Tribunal, Bangalore, that the Management of Messrs. K. H. Shama Rao & Sons, has during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the Award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, the Government of Mysore hereby direct that the said Award, as above, be published in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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LABOUR DEPARTMENT.

No. L.S. 3639—L.W. 172-52-15, dated Bangalore, 4th October 1952.

Labour Disputes.—Disputes between Workers and Management of Messrs. K. H. Shama Rao & Sons, Bangalore, Award of the Industrial Tribunal, Bangalore, published.

Read the following papers:—

(1) Letter dated 12—16th September 1952, from Sri B. R. Ramalingaiah, Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

2nd September 1952.

Present.

Sri B. R. Ramalingaiah, M.A., B.L.	...	... *Chairman*
Sri Mahmood Sheriff, B.A., LL.B.	...	... *Member*
Sri K. Shamaraja Iyengar, B.A.	...	... *Member*

I. C. 17 of 1951-52.

Industrial dispute between the Management and the Employees of Messrs. K. H. Shama Rao & Sons, Bangalore.

AWARD.

Complaint No. 2 of 1952-53.

This is a complaint filed by the complainant, Token No. 92, under Section 33 (A) of the Industrial Disputes Act, 1947. It is alleged in the complaint that during the pendency of the dispute I. C. 17 of 1951-52, before this Tribunal the Respondent (Management) fined the petitioner Re. 1 on 11th February 1952 without seeking the prior written permission of this Tribunal under Section 33 of the Industrial Disputes Act. The levy is therefore illegal. The complainant further has alleged that he has been suspended from work for 1½ days from 8th March 1952 by the Respondent and that on 29th March 1952 the Respondent has served a notice on the complainant that he has been dismissed from service from 7th April 1952, and that he has been kept out of work from 7th April 1952. As the Respondent (Management) has done these acts also without the prior permission of the Tribunal, these acts also are illegal. The complainant therefore prays that the order of his discharge be cancelled and the complainant be restored back to work with compensation and that the fine levied be also ordered to be paid back to him.

In the objection statement the Respondent (Management) has admitted that the *complainant Abdul Razack* was punished as alleged in the complaint. The

employer has also expressed regret for the omission that has occurred for having failed to take permission of this Tribunal before subjecting the complainant to the punishments as there was a honest and *bona fide* belief that, as the misconduct for which the employee was punished, was not connected with the dispute, no permission was necessary from the Tribunal.

It is an undisputed fact that at a time when the punishments referred to above, were inflicted on the complainant, the said dispute I. C. 17 of 1951-52 was pending before the Tribunal. Hence, having regard to Section 33 of the Industrial Disputes Act, the Respondent (Management) could not have legally subjected the complainant to these punishments without the prior written permission of this Tribunal. Hence, the punishments imposed on the complainant, cannot be upheld.

In the result we allow the complaint, set aside the fine of Re. 1 imposed on 11th February 1952 and direct its refund to him, and also set aside the order of suspension from work for 1½ days from 8th March 1952 with a direction that the complainant shall be paid his wages for 1½ days. We further also set aside the order of discharge from service with effect from 7th April 1952 and direct that if he appears before the Management and claims reinstatement within 15 days after the award becomes enforcible, the complainant be taken back to service and that he shall be given as compensation only 15 days' wages with Dearness Allowance, there being no evidence on his side to show that he was unemployed throughout from 7th April 1952 up till now. The Award will be submitted to Government for publication in the Official Gazette.

Complaint No. 4 of 1951-52.

This is complaint filed under Section 33 (A) of the Industrial Disputes Act, 1947, by the complainant Ramaprasad, Token No. 460, against the Respondent (Management Messrs. K. H. Shama Rao & Sons, Bangalore). It is alleged in the petition that the complainant was fined Re. 0-4-0 on 18th February 1952 during the pendency of the industrial dispute I. C. 17 of 1951-52, by the Respondent, who had not obtained the previous permission of this Tribunal under Section 33 of the Industrial Disputes Act, 1947 and, that hence the levy of the fine is illegal. The complainant prays for an Award directing the Respondent to refund the said sum of Re. 0-4-0 to him. The Respondent at first objected to the complaint on theground that no fine was levied on 18th February 1952, but later on when the petitioner filed his reply stating that the said fine was levied on 5th February 1952 and not on 18th February 1952 as alleged in the complaint, the Counsel for the Management submitted that the complaint may be allowed, as the Management would refund the amount of fine imposed on the complainant. In the light of the submission now made by the Management, we allow the complaint and direct the Respondent (Management) to refund the said sum of Re. 0-4-0 to the complainant. eW make no orders to the cost of the application. The award will be submitted to voGernment for publication in the Official Gazette.

Complaint No. 7 of 1951-52.

This is a complaint under Section 33 (A) of the Industrial Disputes Act, 1947. The petitioners have alleged in this complaint, which they have made against the Respondent (Management—K. H. Shama Rao & Sons, Bangalore), that the Respondent has been guilty of the contravention of the provisions of the Industrial Disputes

Act by reason of the fact that the Respondent has fined each of the complainants as detailed below.

	Name of the complainant		Amount of fine						*Date of levy of fine.*
		Token No.		Rs.	a.	p.	Rs.	a.	p.	
1	Rangadamappa	232		0	8	0	.....			22-2-52
2	Doraiswamy	289		0	8	0	.....			27-2-52
3	Santhosappa	352		0	8	0	0	4	0	28-2-52
							0	4	0	5-3-52
4	Visvanatha	164		0	8	0	.....			4-3-52
5	Ganesh	115		0	12	0	0	4	0	4-3-52
							0	4	0	29-4-52
							0	4	0	16-5-52
6	Sannashiva	515		0	4	0	.....			4-3-52
7	Sarvothamma	181		0	8	0	.....			13-3-52
8	Chowri	100		0	8	0	.....			6-3-52
9	N. V. Ramiah	33		0	8	0	.....			12-4-52
10	Govindaraj	401		0	8	0	.....			14-4-52
11	Lakshmana Rao	718		0	4	0	.....			14-4-52
12	Gangadharappa	107		0	8	0	.....			15-4-52
13	Mahboob	697		0	8	0	.....			17-4-52
14	Mohd. Hjt. Sheriff	171		0	4	0	.....			18-4-52
15	Chandaran	123		0	8	0	0	4	0	18-4-52
							0	4	0	28-4-52
16	Dhanasingh	281		0	8	0	.....			29-4-52
17	Muniyappa	367		0	8	0	.....			28-4-52
18	Gangadharappa	692		1	0	0	.....			2-5-52
19	Hanumantha Rao	560		0	8	0	0	4	0	6-5-52
							0	4	0	12-5-52
20	Alexandar	412		0	8	0	.....			6-5-52
21	Basha	2		0	8	0	.....			9-5-52
22	Md. Issac	24		0	8	0	.....			9-5-52

The Respondent has not sought the permission of this Tribunal under Section 33 of the said Act before levying the fines as the proceedings of the said case are pending adjudication before this Tribunal. Hence, the levy of the fines is illegal. The complainants pray that an award may be passed directing the employers to refund the fines to them. The Respondent at first objected to the complaint. Later on, during the time of arguments, the Counsel for the the Management submitted that the complaint may be allowed as the Management would refund the fines levied on them.

As per Section 33 of the Industrial Disputes Act, 1947, the Management should not have levied the fines without the prior permission in writing of this Tribunal. Hence, the levy of fines on the complainants, as rightly contended by them, is illegal. In view of the submission made by the Management's counsel at the time of arguments the Management has now conceded that levy of the fines illegal. In the result, we allow the complaint and set aside the fines and direct that the Management shall refund the fine amounts to the complainants. We make no orders to the cost of the application. The Award will be submitted to Government for publication in the Official Gazette.

B. R. RAMALINGAIAH,
Chairman.

MAHMOOD SHERIFF,
Member.

K. SHAMARAJA IYENGAR,
Member.

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ORDER No. L.S. 3639—L.W. 172-52-15, DATED BANGALORE, THE 4TH OCTOBER 1952.

WHEREAS under Section 33 (A) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by Sri Abdul Razack, Token No. 92 and two other Workers of Messrs. K. H. Shama Rao & Sons, Bangalore to the Industrial Tribunal, Bangalore, that the Management of Messrs. K. H. Shama Rao & Sons, has during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the Award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, the Government of Mysore hereby direct that the said Award, as above, be published in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 1159—Legis. 6-52-46, Bangalore, dated 7th October 1952.

Ordered that Notification No. 33-T (15)—51, dated the 10th September, 1952 of the Ministry of Transport appointing the 15th of September 1952 as the date on which the Road Transport Corporations Act, 1950, would come into force in the State of Mysore be published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF TRANSPORT.

New Delhi, the 10th September 1952.

No. 33-T (15)—51. In exercise of the powers conferred by sub-section (3) of section 1 of the Road Transport Corporations Act, 1950 (XXXI of 1950), the Central Government hereby appoints 15th of September, 1952, as the date on which the said Act shall come into force in the State of Mysore.

T. S. PARASURAMAN,

Deputy Secretary to the Govt. of India.

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NOTIFICATION.

(REVENUE DEPARTMENT.)

No. R. 7771-7854—L.S. 85-49-57, dated Bangalore, 26th September 1952.

Pursuant to Notification No. S.R.O. 478, dated the 15th March 1952, issued by the Ministry of Law, Government of India, New Delhi, the accompanying Annexure 'A' and Annexure 'B' shall be substituted for Annexure 'A' and Annexure 'B' respectively to the Notification No. R. 7337—L.S. 85-49-14, dated the 25th January 1950.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,
Secretary to Government,
Home and Revenue Departments.

ANNEXURE 'A'.

Statement showing Mysore Villages transferred to Madras :—

Sl. No.	*Name of District and Taluk*		*Name of village.*
1.	Chitaldrug District (Molakalmuru Taluk).	...	1. Jodi Kasenaikanahalli
			2. Gauripur
			3. Jodi Bommenahalli
			4. Bommaghatta
			5. Sarva Inam Oblapura
			6. Devarabudenahalli
2.	Kolar District (Bangarpet Taluk)	...	7. Vardikuppa
			8. Bayappareddihalli
			9. Jodi Volagalkuppa
			10. Khayamgutta Harakchinnapalli
			11. Hosapete
			12. Gollahalli
			13. Chinnaradoddi
	Kolar District (Malur Taluk)	...	14. Kaladasapura
	Mysore District (Chamarajanagar Taluk)	...	15. Badagalpur

ANNEXURE 'B'.

Statement showing Madras Villages transferred to Mysore :—

Sl. No.	*Name of District and Taluk.*	*Name of village.*
1.	Anantapur District (Madakasira Taluk) ...	1. Burdakunte
		2. Palyam
		3. Bettur
		4. Kanajanahalli
		5. Bettagaudawahalli
		6. Honnapuram
		7. Kotagerlahalli
		8. Bullasamudram
		9. Bhimanakunta
		10. Sarjammanahalli
		11. Badigondanahalli
		12. Virpugoodanahalli
		13. Erragattupalli
		14. Bullasamudram
2.	Anantapur District (Hindupur Taluk) ...	15. Ghowtikuntapalli
		16. Narasapuram
3.	Salem District ...	17. Morasur (Inam)
		18. Naganaikanapalli
		19. Agraharam
		20. Madivalam
		21. Adasundathim
		22. Bandapuram
		23. Settipalli
		24. Patheer
		25. Ettakodi
		26. Araleri
		27. Angisettipalli
		28. Kariganthimmanapalli
		29. Upparapalli
		30. Kuntenapalli
		31. Gerigidapalli (Inam)
		32. Rayasandiram
		33. Tholasandhoddi
		34. Theerthabundapalli
		35. Tholakanpalli
		36. Byanapalli
		37. Thusandapalli
4.	South Canara District (Coondapur Taluk) ...	38. Hebbige with its hamlets
		39. Nagodi with its hamlets
		40. Koteshirur with its hamlets

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. L. 9949—Ml. 152-52-7, dated Bangalore 24th September 1952.

In exercise of the powers conferred by Section 48 (1) (*m*) of the Mysore Town Municipalities Act, 1951 (Mysore Act No. XXII of 1951), the Government of Mysore is pleased to make the following Model Bye-laws for regulating the use of Public Bathing and Washing Places within Municipal limits.

Model Bye-laws regulating the use of Public Bathing and Washing Places within the Municipal limits.

1. No person of one sex shall bathe or wash in any bathing place or washing place belonging to and set apart by the Town Municipal Council for the use of persons of the other sex.

2. No person suffering from any contagious disease shall bathe or wash in any bathing place or washing place belonging to the Town Municipal Council.

3. No person shall bathe or wash either in the vicinity or outside or in any part of any bathing place or washing place other than in the places set apart for the purpose.

4. Any person who contravenes any of these bye-laws shall be punishable with fine which may extend to two rupees.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

NOTIFICATION.

No. L. 10071—Ml. 152-52-5, dated Bangalore, 24th September 1952.

In exercise of the powers conferred by Section 48 (1) (q) of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951) Government of Mysore is pleased to make the following Model Bye-laws regulating the conditions on which permission may be given for the temporary occupation of or the erection of temporary structures on public streets or for projections over public streets and regulating the structures and dimensions of plinths, walls, foundations, floors roofs and chimneys of new buildings, etc.

Deposit of goods or materials temporarily on land vested in the Municipal Council.

1. If the owner of any goods or materials deposited on any street, or place open to the traffic of foot passengers or vehicles, fails to make suitable arrangements for guarding against danger to traffic, the President shall cause a notice to be served on him to make such arrangements within twenty-four hours after receipt of the notice and on his failure to comply with the notice, the President shall enclose a bill of costs for carrying out the work at the owner's expense. The arrangements to be made shall be clearly and definitely specified in the notice.

2. If within twenty-four hours after receipt of the said notice, the owner fails to make the arrangements so specified or to show cause why such arrangements should not be made, the Health Inspector or other official authorised in writing by the President shall forthwith make the arrangements specified in the notice and take necessary action as laid down in sub-section (*b*) of Section 161. The owner shall have an opportunity within seven days after receipt of the bill to show cause to the satisfaction of the President that the arrangements made were unnecessary.

II. Regarding the projections over public streets.

3. (*a*) No weather board, sunshade, shop board or any other projections shall be allowed in any street which is less than fifteen feet in width.

(*b*) In streets which are not less than 15 feet in width permission may be granted for the putting up of weather boards, sun shades, shop boards etc., not exceeding 2½ feet in breadth,

4. In streets which are more than 30 feet wide, the weather boards, sunshades, shop boards, etc., may be not more than 3 feet in width.

5. The weather boards, etc., shall always be of non-inflammable material like zinc sheets or asbestos cement sheets.

6. The weather boards, sunshades, etc., shall not be less than 8 feet high from the plinth of the building or surface of the streets.

7. Any breach of the above bye-laws will on conviction before a Magistrate, be punishable with a fine not exceeding Rs. 5.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

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NOTIFICATION.

No. L. 10072—MI. 152-52-6, dated Bangalore, 24th September 1952.

In exercise of the powers conferred by Section 46(1) (*l*) of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951) Government of Mysore is pleased to make the following Model Rules prescribing the fees to be charged for the temporary occupation of or the erection of temporary structures on public streets or for projections over public streets etc.

(a) Deposit of goods for materials temporarily on land in the Municipal Council.

1. The fees chargeable for the use or occupation of any street, drain, aqueduct or other land vested in the Municipal Council for the deposit of goods or materials shall be calculated at the rate of..... .....per month per square foot of the area occupied and shall be payable in advance.

2. The following is the scale of fees for the unauthorised occupation of different kinds:—

(*a*) For awnings:.....annas per square foot per month.

(*b*) For temporary archways across roads.....Rs ..... per day for each arch on each Road.

(*c*) The fees for obstructions shall be charged at the scales mentioned above and such charges shall be recoverable in the manner prescribed in the Act for the recovery of Municipal claims.

(b) Occupation of public streets for vending fruits, etc.

3. In such streets or public roads as may be specified and in such parts of the same as may be set apart by the Municipal Council, a fee of..... .....annas per month.....or.....of .....anna per day shall be levied for the temporary occupation of a public street for the sale of articles *e.g.*, Vegetables, fruits, silk and cotton goods or ware, betel leaf, head-loads of firewood etc., provided that the President may allow the temporary occupation of the public street in such manner as not to inconvenience the public and may order the levy of a fee not exceeding.....annas per square yard per month.

4. Any person who takes out a license for a certain area and subsequently occupies a greater area without taking out a license for the excess so occupied shall be liable to pay for such excess area an amount calculated at the rate of annas.....per month per superficial foot of the area so occupied. This amount shall be recoverable according to the procedure laid down in Section 92 of the Mysore Town Municipalities Act, 1951.

II. Regarding the erection of pendals or other public structures on public streets.

5. No pendals or other temporary structures for marriage shall be erected in any street, land or public thorough fare, without the written permission from the President. On receipt of an application for permission to put up such structures, specifying the situation, size and other particulars a license will be issued by the President, if he sees no objection thereto, on such conditions as he may think necessary to provide to ensure public convenience and safety and on payment of the following fees :—

1. For a pendal 6 ft. broad by 12 ft. long or not exceeding 72 sq. ft. Rs.....
2. For a pendal exceeding 72 sq. ft. and not exceeding 150 sq. ft. Rs.....
3. For every additional 150 sq. ft. or portion. Rs.....

(*a*) No pendal shall ordinarily be allowed to stand for more than fifteen days.

(*b*) If on the expiration of the time allowed in the license, or the period granted in extension thereto on special application the person who put up the structures does not remove it, the President may issue a notice to the defaulter for its removal within such time as may be fixed by him in each case and at the end of which time, he may have it removed and the cost of such removal shall be recoverable from the defaulter as a Municipal demand.

(*c*) Provided that in the case of pendals intended for purposes of charity or public utility permission may be granted free of charge, but the period of its existence shall not exceed fifteen days.

III. Regarding Projections over public streets.

6. The fees for weather boards etc., for every half-year payable in advance shall be as follows:—

Rupee.....for every weather board, etc., not exceeding 2½ ft. in width and 10 ft. in length or fraction thereof.

Rupees.....for every weather boards, etc., not exceeding 3 ft. in width and 10 ft. in length or fraction thereof.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

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NOTIFICATION.

No. L.D. 1093—Legis. 5-52-70, Bangalore, dated 17th September 1952.

Ordered that Notification No. S.R.O. 1523, dated the 26th August 1952 of the Ministry of Communications further amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 6th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS).

New Delhi, the 26th August 1952.

S.R.O. 1523.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely :—

For sub-rule (3) of rule 44 of the said Rules, the following sub-rule shall be substituted, namely :—

"(9) No postal article containing lottery tickets or circulars relating to a lottery shall be transmitted by post unless the following conditions are satisfied :—

(*a*) The lottery tickets or circulars relate to a State lottery or to a lottery authorised by a State Government; and

(*b*) There appear on the outside of the postal article (i) a declaration by the sender of the postal article that the lottery tickets or circulars contained therein relate to a State lottery or to a lottery authorised by a State Government, mentioning the particulars (number, date, etc.,) of the notification by the State Government notifying the State lottery or authorising the lottery and (ii) the name and the address of the sender."

[No. C-40-30/52.]

K. V. VENKATACHALAM, Dy. Secy.

NOTIFICATION.

No. L.D. 1094—Legis. 5-52-71, Bangalore, dated 17th September 1952.

Ordered that Notification No. S.R.O. 1524, dated the 28th August 1952, of the Ministry of Communications further amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 6th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS).

New Delhi, the 28th August 1952.

S.R.O. 1524.—In exercise of the powers conferred by section 7 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that, with effect from the 1st October 1952, the following further amendment shall be made in the Indian Post Office Rules, 1933, namely :—

In rule 5 of the said Rules—

For the entriies under the heading ' "Blind Literature" packets', the following entries shall be substituted, namely :—

" (A) For any part of the World served by the Foreign Post, with the exception of Aden, Ceylon, Pakistan and Portuguese India,—

For a weight not exceeding two and a half pounds—Half an anna.

For every additional two and a half pounds or fraction thereof up to seventeen and a half pounds.....Half an anna.

(B) For Aden, Ceylon, Pakistan and Portuguese India—Indian inland rates."

[No. R. 1-2/52.]

K. V. VENKATACHALAM. Dy. Secy.

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NOTIFICATION.

No. L.D. 1095-Legis. 5-52-72, Bangalore, dated 17th September 1952.

Ordered that Notification No. S.R.O. 1525, dated the 2nd September 1952, of the Ministry of Communications further amending the Indian Wireless Telegraph Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 6th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS.)

New Delhi, the 2nd September 1952.

S.R.O. 1525.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following further amendments shall be made in the Indian Wireless Telegraph Rules, 1949, namely :—

In the said Rules—

1. In Rule 21, for the word "five" the word "three," shall be substituted.

2. In clause 9 of the second schedule—

(*a*) for the sentence "I declare that I am a citizen of India/a citizen of Commonwealth by birth/naturalisation.....", the sentences—

"*I declare that I am a citizen of India ;

*I declare that I am a citizen of a commonwealth country by birth or naturalisation in.....domiciled in India."

shall be substituted.

(*b*) The words and brackets "(here insert Dominion, Colony, Protectorate etc.)" shall be omitted.

[No. WT. 15-9/51.]

K. V. VENKATACHALAM, Dy. Secy.

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NOTIFICATION.

No. L.D. 1096-Legis. 5-52-73, Bangalore, dated 17th September 1952.

Ordered that Notification No. S.R.O. 1531, dated the 2nd September 1952 of the Ministry of Works, Housing and Supply (Central Boilers Board) amending Appendix E of the Indian Boiler Regulations, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 6th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, HOUSING AND SUPPLY.

(CENTRAL BOILERS BOARD).

New Delhi, the 2nd September 1952.

S.R.O. 1531.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

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In Appendix E of the Indian Boiler Regulations, 1950, the following tables shall be added, namely :-

TABLE 'R'.

FLANGES FOR PIPES, VALVES AND FITTINGS.

For working Steam Pressures above 450 lb. and up to 600 lb. per sq. in.

1	1 (a)	2	3	4	5	6(b)	7
Nominal pipe size	Approximate outside diameter of wrought pipe	Diameter of flange	Diameter of bolt circle	Number of bolts	Diameter of bolts	Thickness of flange: Cast steel; steel stamped or forged) screwed or riveted on with boss, or welded on with fillet	Diameter of jointing face
in.	in.	in.	in.		in.	in.	in.
3/8	27/32	4 1/8	3 1/2	4	5/8	3/8	2 1/2
3/4	1-1/16	4 1/8	3 1/4	4	5/8	3/4	2 1/2
1	1-11/32	5	3 3/8	4	5/8	7/8	2 1/2
1 1/4	1-11/16	5 1/4	3-7/8	4	5/8	7/8	2 3/4
1 1/2	1-29/32	6	4 1/2	4	3/4	1	3
2	2-3/8	6 1/2	5	8	5/8	1	3 1/2
2 1/2	3	7 1/2	5 3/4	8	3/4	1-1/8	4
3	3 1/2	8	6 1/2	8	3/4	1 1/4	4 1/2
3 1/2	4	9	7 1/4	8	7/8	1 1/4	5
4	4 1/2	9 1/2	7 3/4	8	7/8	1-3/8	5 1/2
4 1/2	5	10	8 1/4	8	7/8	1 1/2	6
5	5 1/2	11	9 1/4	12	7/8	1-5/8	6 1/2
6	6 1/2	12	10 1/4	12	7/8	1 3/4	7 1/2
7	7 1/2	13 1/2	11 1/2	12	1	1-7/8	8 3/4
8	8 1/2	14 1/2	12 3/4	12	1	2	9 3/4
9 1/2	9 1/2	16	14	16	1	2-1/8	10 3/4
10	10 1/2	17	15 1/4	16	1	2 1/4	11 3/4
11	11 1/2	19	17	16	1-1/8	2-3/8	12 3/4
12	12	20	18	16	1-1/8	2 1/2	13 3/4
13	14	21 3/4	19 1/2	16	1 1/4	2-5/8	15
14	15	23	20 3/4	16	1 1/4	2 3/4	16
15	16	24	21 3/4	20	1 1/4	2-7/8	17
16	17	25 1/4	23	20	1 1/2	3	18

TABLE 'S'.

STEEL FLANGES FOR PIPES, VALVES AND FITTINGS.

For working steam pressures above 600 lb. and up to 900 lb. per sq.in. and temperatures up to 800° F. (427° C.)

1	1 (a)	2	3	4	5	6	7
Nominal pipe size	Actual outside diameter of wrought pipe	Diameter of flange	Diameter of bolt circle	Number of bolts	Diameter of bolts	Thickness of flange	Diameter of jointing face
in.	in.	in.	in.		in.	in.	in.
½	27/32	5	3½	4	¾	7/8	2
¾	1-1/16	5	3½	4	¾	7/8	2
1	1-11/32	5½	4	4	¾	1	2½
1¼	1-11/16	5¾	4½	4	¾	1-1/8	2½
1½	1-29/32	6½	4¾	4	¾	1-1/8	2¾
2	2-3/8	6¾	5½	8	¾	1¼	3½
2½	3	7½	5¾	8	¾	1¼	3¾
3	3½	8	6½	8	7/8	1-3/8	4½
3½	4	9½	7½	8	7/8	1½	4¾
4	5	9¾	8	8	1	1-5/8	5½
4½	5½	10½	8½	8	1	1-5/8	5¾
5	6	11½	9½	12	7/8	1¾	6½
6	7	12¾	10¾	12	1	2	7½
7	8½	14¾	12½	12	1-1/8	2¼	8½
8	9½	16½	14	12	1¼	2½	9½
9	10½	17½	15½	16	1-1/8	2-5/8	10½
10	11½	19	16¾	16	1¼	2-7/8	11½
*10½	12½	21	18½	16	1-3/8	3-1/8	12¾
*11¾	14	22¾	20	16	1½	3¼	13¾
*12-5/8	15	24	21½	16	1¾	3½	14¾
*13½	16	25½	22¾	20	1½	3¾	16
*14-3/8	17	27½	24½	20	1-5/8	4	17
*15½	18	29½	26	20	1¾	4¼	18

*The sizes shall be specified by the outside diameter dimensions given in column 1 (a). The figures in column 1 (nominal bore) are 'approximate' and are given for information only.

TABLE T. 379

STEEL FLANGES FOR PIPES, VALVES AND FITTINGS.

(To be used in conjunction with the Notes and Appendices.)

For working steam pressures above 900 lb. and up to 1,400 lb. per sq. in. and temperatures up to 800°F. (427°C.)

1	1 (a)	2	3	4	5	6	7
Nominal pipe bore	Maximum outside diameter of wrought pipe	Diameter of flange	Diameter of bolt circle	Number of bolts	Diameter of bolts	Thickness of flange	Diameter of jointing face
in.	in.	in.	in.		in.	in.	in.
½	27/32	5¼	4	4	⅝	1	2½
¾	1-1/16	5½	4	4	⅝	1	2½
1	1-11/32	5¾	4¼	4	⅝	1-1/8	2½
1¼	1-11/16	6¼	4⅝	4	7/8	1¼	2¾
1½	2-3/8	6⅝	5¼	8	⅝	1-3/8	3
2	3	7½	5¾	8	⅝	1-3/8	3½
2½	3½	8	6⅝	8	7/8	1.5/8	4½
3	4	9½	7½	8	1	1-7/8	5
3½	4½	10½	8½	8	1-1/8	2-1/8	5½
4	5	11½	9½	8	1-1/8	2¼	6
4½	5½	11¾	10	12	1	2-3/8	6½
5	6½	12¾	10⅝	12	1-1/8	2-5/8	7
6	7½	14¾	12½	12	1¼	2-7/8	8
7	9	17	14½	12	1-3/8	3¼	9½
8	10½	18¾	16	12	1½	3½	10½
9	11½	20	17½	16	1-3/8	3¾	11¾
10	12½	22	19¼	16	1½	4¼	12¾

[No. M/BL. 304(79)/51.]

A. K. SEN, Secy.

NOTIFICATION.

No. L.D. 1141—Legis. 5-52-74, Bangalore, dated 26th September 1952.

Ordered that Notification No. S.R.O. 1568, dated the 8th September 1952 of the Ministry of Communications amending the Indian Wireless Telegraphy (Possession) Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 13th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

New Delhi, the 8th September 1952.

S.R.O. 1568.—In exercise of the powers conferred by section 10 of the Indian Wireless Telegraphy Act, 1933 (XVII of 1933), the Central Government hereby directs that the following further amendment shall be made in the Indian Wireless Telegraphy (Possession) Rules, 1933, namely :—

In sub-rule (1) of rule 20 of the said Rules, for the words and figures "31st July 1952", the words and figures "31st August 1952", shall be substituted.

(No. T2/W21-16/51-I).

K. V. VENKATACHALAM,
Deputy Secretary.

NOTIFICATION.

No. L.D. 1168—Legis. 6-52-47, Bangalore, dated 8th October 1952.

Ordered that Notification No. S.R.O. 1628, dated the 20th September 1952, of the Ministry of Commerce and Industry, appointing authorities under the Registration and Licensing of Industrial Undertakings Rules, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 27th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 20th September 1952.

S.R.O. 1628.—In pursuance of the provisions of Rule 3 of the Registration and Licensing of Industrial Undertakings Rules, 1952, the Ministry of Commerce and Industry, Government of India, hereby appoints for the purposes of that Rule, the authorities specified in Column 1 of the Schedule hereto annexed in respect of applications for the registrations of industrial undertakings pertaining to the scheduled industries mentioned in the corresponding entry in Column of the said Schedule.

THE SCHEDULE.

Authorities	*Scheduled Industries*
Industrial Adviser (Chemicals), Ministry of Commerce and Industry	Mathematical and scientific instruments. Heavy chemicals including fertilisers. Paper including newsprint and paperboard. Pharmaceuticals and drugs. Power and industrial alcohol. Rubber goods. Leather and leather goods. Glass and Ceramics. Coke and other derivatives. Vegetable oils.

Authorities.	*Scheduled Industries.*
Industrial Adviser (Engineering), Ministry of Commerce and Industry	Ships and other vessels propelled by the Agency of steam, or by electricity or other mechanical power. Telephones, telegraph apparatus and wireless communication apparatus. Automobiles including tractors. Cement, Electric lamps and fans. Electric Motors. Heavy machinery used in industry including ball and roller bearing and gear wheels and parts thereof, boilers and steam generating equipment. Locomotives and rolling stock. Machine tools. Machinery and equipment for the generation, transmission and distribution of electric energy. Non-ferrous metals including alloys. Agricultural implements. Batteries, dry cells and storage. Bicycles and parts thereof. Hurricane Lanterns. Internal Combustion engines. Power driven pumps. Radio receivers. Sewing and knitting machines. Small and hand tools.
Iron and Steel Controller, Ministry of Commerce and Industry ...	Iron and Steel.
Textile Commissioner, Ministry of Commerce and Industry ...	Textiles made wholly or in part o cotton or jute.
The Ministry of Food and Agriculture	Sugar. Vanaspati.
Coal Commissioner to the Government of India, Ministry of Production	Coal.

[No. 1 (3)-IA(G)/52].

B. B. SAKSENA, Dy. Secy.

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NOTIFICATION.

No. L.D. 1164—Legis. 6-52-48, Bangalore, dated 8th October 1952.

Ordered that Notification No. S.R.O. 1636, dated the 18th September 1952 of the Ministry of Natural Resources and Scientific Research, under the Atomic Energy Act, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 27th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 18th September 1952.

S.R.O. 1636.—In pursuance of clause (d) of Section 3 of the Atomic Energy Act, 1948 (XXIX of 1948), the Central Government hereby prescribes the following substances as substances which in its opinion are or may be used for the production or use of atomic energy or research into matters connected therewith :—

1 Radium.
2 Zirconium.
3 Graphite.
4 Lithium.
5 Deuterium.

and any of their respective compounds.

[No. AEC/21(28)/50-4592.]
T. GONSALVES, Dy. Secy.

NOTIFICATION.

No. L.D. 1165—Legis. 6-52-49, Bangalore, dated 8th October 1952.

Ordered that Notification No. S.R.O. 1638, dated the 17th September 1952 of the Ministry of Labour, appointing the Regional Commissioner for the State of Mysore under the provisions of the Employees' Provident Funds Scheme, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 27th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 17th September 1952.

S.R.O. 1638.—In pursuance of provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri B. S. Puttaswamy, Mysore, to be the Regional Commissioner for the whole of the State of Mysore to work under the general Control and superintendence of the Central Commissioner.

[No. PF. 516 (36).]

SADASHIVA PRASAD, Dy. Secy.

NOTIFICATION.

L.D. 1166—Legis. 5-52-76, Bangalore, dated 8th October 1952.

Ordered that Notification No. S.R.O. No. 1103, dated the 12th June 1952 of the Ministry of Natural Resources and Scientific Research amending Schedule II annexed to the Mineral Concession Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 21st June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 12th June 1952.

S.R.O. 1103.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following further amendment shall be made in the Mineral Concession Rules, 1949, namely :—

In Schedule II annexed to the said Rules after Class 11, the following entry shall be added at the end, namely :—

"Class 12	Beryl	20 lbs."

NOTIFICATION.

No. L.S. 3789—L.W. 212-52-6, Bangalore, dated 9th October 1952.

Whereas by Order No. L.S. 3382—L.W. 212-52-4, dated 15th September 1952, made by the State Government an Industrial dispute in respect of points specified therein, between the Workers and Management of the Mysore Commercial Union, Limited (Plywood Factory), Yesvanthapur, Bangalore District, was referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated 28th June 1952;

And whereas the Government of Mysore are of opinion that certain further points of dispute also exist between the aforesaid parties;

Now, therefore, in exercise of the powers conferred by Clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer for adjudication to the aforesaid Industrial Tribunal, the following further points of dispute :—

(1) Providing full employment and payment of wages and allowances to all employees who have been refused work, while conciliation proceedings were going on (in contravention of Section 33 of the Industrial Disputes Act);

(2) Providing full employment to all employees who were given alternate days of work after conciliation proceedings were over from 20th August 1952 and payment of wages and allowances for the days of refusal of work.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF MYSORE.

LABOUR DEPARTMENT.

NOTIFICATION.

No. L.S. 3851—L.W. 265-51-18, dated Bangalore, 11th October 1952.

Labour Dispute—Industrial Dispute between Workers and Management of the Beedi Factories, Kolar. Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

1. Letter No. Nil, dated 22nd September 1952, from Sri B. R. Ramalingaiah, M.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Saturday, the 13th September 1952

Present :

Sri B. R. Ramalingaiah, M.A., B.L.	... *Chairman.*
Sri Mahmood Sheriff, B.A., LL.B.	... *Member.*
Sri K. Shamaraja Iyengar, B.A.	... *Member.*

I. C. 18—51-52.

INDUSTRIAL DISPUTE BETWEEN THE WORKERS AND THE MANAGEMENT OF THE KOLAR DISTRICT BEEDI FACTORIES.

AWARD.

This is an Industrial Dispute between the Workers of the Kolar District Beedi Factories represented by their President Sri L. Roshan Khan, who are the claimants in this case, and the Manufacturers of the Kolar District Beedi Factories represented by their President Sri Subhan Khan, who are the Respondents. The said dispute had been referred under Section 10 (1) (c) of the Industrial Disputes Act, 1947, to the previous Tribunal, which was constituted in Notification No. L.S. 1075—L.W. 68-58-2, dated 15th June 1951. As the term of the said Tribunal expired on 15th June 1952 and as the said reference remained undisposed of, it was referred to the present Tribunal, which was constituted in Notification No. L.S. 1515—L.W. 131-52-1, dated 27th June 1952. In Schedule I to the Notification which referred this dispute to the Tribunal for adjudication, the names of the several beedi factories in Kolar District between whom and their workers there has been this alleged dispute, are given and in Schedule II of the Notification are given the demands made by the claimants, and which are resisted by the Manufacturers and which form the subject matter for adjudication by this Tribunal. These demands as set out in the 2nd Schedule are as follows :—

(1) Increasing the wages from Rs. 1-9-0 as at present to Rs. 1-14-0 per thousand beedies.

(2) Grant of Dearness Allowance at the rate of Re. 0-4-0 per thousand beedies.

(3) Giving full-time work to workers as before.

(4) Grant of Bonus to the workers at the rate of Rs. 20 per worker per year.

After this dispute was referred, it was registered by the Tribunal as I.C. 18—51-52 and the parties were notified of the said reference made to the Tribunal for adjudication, and summoned to apper. On receipt of the said summons on 12th March 1952, the claimant's association appeared by its President the said Sri L. Roshan Khan and the Manufacturers' Association, by its President the said Sri Subhan Khan. As neither party had any objection to the other party appearing by a counsel and as the Tribunal granted to the parties leave to appear by counsels, Sri Gulur Srinivasa Rao, Advocate appeared for the President of the Manufacturers' Association and filed his Vakalat, and Sri K. B. Thimmiah, Pleader, Kolar, appeared for the President of the Workers' Association and filed his vakalat.

On 21st April 1952 the President of the Workers' Association filed the statement of claims on behalf of the workers. On 21st May 1952 the President of the Manufacturers' Association filed the written statement in reply to the statement of claim of the workers. On 11th July 1952 the Tribunal called upon the Workers' Association to file its reply to the written statement of the Manufacturers, by 19th July 1952. The Workers' Association did not file the reply on 19th July 1952 and on the subsequent dates *i.e.*, 24th July 1952, 27th July 1952, 30th July 1952 and 16th August 1952. On 16th August 1952 a last chance was given to the Workers to file the reply by 20th August 1952. On 20th August 1952 the Workers' Association and their counsel were absent and no reply to the written statement of the employers was filed that day too. A final chance was given that day to the claimants to file their reply by 30th August 1952. The Tribunal ordered on that day the issue of notices to the President of the Workers' Association calling upon him to file his reply by 30th August 1952 and informing him that if he failed to come and file his reply, the case would be proceeded with *ex parte* as against the workers. On 30th August 1952, when the case camp up for hearing, the workers' representative, the said Sri L. Roshan Khan and his counsel were both absent. As the notices had not been properly served, the Tribunal ordered fresh notices to be served on them by the Assistant Commissioner of Labour, Kolar Division, and adjourned the case to 6th September 1952. On 6th September 1952, the President of the Workers' Association, the said Sri L. Roshan Khan and his counsel Sri K. B. Thimmiah, were both absent. The notices issued to the Assistant Commissioner of Labour, Kolar Division, for service on them for that day, which were returned by him, show that they had been personally served on the said Sri L. Roshan Khan and his counsel Sri K. B. Thimmiah, on 6th September 1952. As they were absent in spite of personal service, the Tribunal had no other alternative except to proceed with the case *ex parte* against the workers. Accordingly the Tribunal heard the arguments of the counsel for the Manufacturers' Association, who was present, and reserved the case for orders. On that day we received a letter dated 5th September 1952 purporting to have been written by one Sri L. Roshan Khan praying for an adjournment. As no action could be taken on the motion for the adjournment contained in this letter, and as many adjournments had already been given to the workers, further adjournments, as prayed for in the letter cannot be granted for appearance and prosecution of their case.

It is seen from the history of the case as noticed above, that the workers (claimants) have not been diligent at all in the prosecution of their case. As the Manufacturers contest the demands *in toto*, the workers should have prosecuted their case diligently and substantiate their claim. Having regard to the defence of the Manufacturers as set out in their written statement, clarification on certain points raised by them was necessary and hence the workers were called upon to file their reply. In their statement of claims also the workers have stated that they would file supplemental statement of claim. The workers have neither filed

a supplemental statement of claim nor filed their reply to the written statement of the Manufacturers though several chances were given to them. As they have failed to come and prosecute their case, the Tribunal has no other alternative except to hold that their claim to the several demands made in their statement of claims, which are those referred to in Schedule II of the reference, is untenable and unwarranted as contended by the Manufacturers in the written statement, and hence their demands have to be rejected. Hence we reject their aforesaid demands and to this effect make our Award. We make no orders as to the costs. The Award shall be submitted to Government for publication in the Official Gazette, under Section 17 of the Industrial Disputes Act, 1947.

B. R. RAMALINGAIAH,
Chairman.
MAHMOOD SHERIFF,
Member.
K. SHAMARAJA IYENGAR,
Member.

ORDER No. L.S. 3851—L.W. 285-51-13, DATED BANGALORE, THE 11TH OCTOBER 1952.

Whereas by State Government Notification No. L.S. 4580—L.W. 285-51-9, dated the 15th February 1952, the Industrial Dispute between Workers and Management of the thirteen Beedi Factories of Kolar District, specified in Schedule I of the said Notification, was referred to the Industrial Tribunal, Bangalore, for adjudication;

And whereas the Industrial Tribunal has submitted to the State Government its Award in respect of the said Industrial Dispute;

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said Award, as above in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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GOVERNMENT OF MYSORE

LABOUR DEPARTMENT.

NOTIFICATION.

No. L.S. 3856—L.W. 224-52-5, Bangalore, dated the 11th October 1952.

Labour Disputes—Dispute between Workers and Management of the Steel Construction Co., Ltd., Bangalore:—Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers:—

(1) Letter no. nil, dated 22nd September 1952 from Sri B. R. Ramalingaiah, M.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Saturday, the 13th September 1952.

Present.

Sri B. R. Ramalingaiah, M.A., B.L.	...	... *Chairman.*
Sri Mahmood Sheriff, B.A., LL.B.	...	... *Member.*
Sri K. Shamaraja Iyengar, B.A.	...	... *Member.*

I. C. 16—1951-52.

INDUSTRIAL DISPUTE BETWEEN THE WORKERS AND THE MANAGEMENT OF THE STEEL CONSTRUCTION CO., BANGALORE.

AWARD.

Complaint No. 1/52-53.

It is a complaint under Section 33(A) of the Industrial Disputes Act, 1947, filed by complainant Keshavan Pillai, Token No. 16, Machine Shop, Steel Construction Co., Bangalore City. The complainant has alleged that he has been working in the Respondent Company for the past 2½ years on a monthly salary of Rs. 29 with Dearness Allowance of Rs. 18 per mensem and that on 8th July 1952, the Managing Director of the Respondent Company without enquiry and without even making any charges and without allowing the complainant to defend himself discharged him from service and that his discharge in these circumstances during the pendency of the case is illegal as it is opposed to the provisions of Section 33 of the Industrial Disputes Act, as the Respondent has not obtained prior written permission of the Tribunal to do so.

In the course of his objection statement the Respondent admits having discharged the complainant without the prior written permission of this Tribunal as per section 33 of the said Act. But, contends that as the complainant misconducted himself, the Respondent dismissed him.

As per section 33 of the Industrial Disputes Act, the Management (Respondent) could not have dismissed the complainant without the prior written permission of the Tribunal during the pendency of the said industrial disputes case. Hence, as rightly contended by the complainant, his dismissal contravenes Section 33, clause (b) of the said Act and hence he is entitled to be restored to the position he occupied before he was illegally dismissed under the circumstances set out above. For the reasons stated above we allow the complaint and direct that the order of the Respondent discharging him from service from 8th July 1952, is set aside and we direct that the Respondent should reinstate the complainant to the post which he held during the time of his discharge, if he applies within 15 days after this Award becomes enforcible, and we further direct that the Respondent should pay to the complainant his monthly salary at Rs. 29 with D A. of Rs. 18 from 8th July 1952, till this date. The Award shall be submitted to Government for publication in the Official Gazette under Section 17 of the Industrial Disputes Act.

B. R. RAMALINGAIAH,
Chairman.

MAHMOOD SHERIFF,
Member.

K. SHAMARAJA IYENGAR,
Member.

ORDER No. L.S. 3856—L.W. 224-52-5, DATED 11TH OCTOBER 1952,

WHEREAS under Section 33-(A) of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), a complaint was made by Sri Kesavan Pillai, Token No. 16, Steel Construction Co., Bangalore, to the Industrial Tribunal, Bangalore, that the Management of the said Steel Construction Co. has, during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the Award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, the Government of Mysore hereby directs that the said Award, as above, be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.D. 1212—Legis. 6-52-50, Bangalore, dated 13th October 1952.

Ordered that Notification No. S.R.O. 1670, dated the 30th September 1952 of the Ministry of Home Affairs appointing the 1st day of October 1952, as the date on which the Commissions of Inquiry Act, 1952, would come into force published in the *Gazette of India*, Part II, Section 3, dated the 30th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 30th September 1952.

S.R.O. 1670.—In exercise of the powers conferred by sub-section (3) of section 1 of the Commissions of Inquiry Act, 1952 (LX of 1952), the Central Government hereby appoints the 1st day of October 1952 as the date on which the said Act shall come into force.

[No. 16/24/50—Judl.]

S. B. BAPAT,
Joint Secretary.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. S.D. 4023—C. 32-52-75, dated Bangalore, 13th September 1952.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (Central Act XXIV of 1946) read with Government of India, Ministry of Food Notification No. S.R.O. 703, dated 4th October 1950 as amended by Notification dated 21st July 1951 and with the concurrence of the Central Government, His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the Articles of Food Acquisition (Harvest) Order, 1949, namely :—

At the end of sub-clause (*c*) of clause 3, the following shall be added after the words " Crops reaped " :—

" but excludes bran whether of rice or of wheat ".

The sub-clause (*c*) after amendment reads as follows :—

(*c*) " Foodgrains " means articles of food mentioned in Schedule I and their derivatives and includes foodgrains in husk, standing crops and crops reaped but excludes bran, whether of rice or of wheat ".

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

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NOTIFICATION.

(HOME DEPARTMENT).

No. H.A. 5346-57—137-50-13, Bangalore, dated 6th October 1952.

In exercise of the powers conferred by sub-rule 3 of Rule 40 of the Indian Arms Rules, 1951, I, Sri N. Puttarangaswamy, I.A.S., Chief Secretary to the Government of Mysore, do hereby empower the District Magistrates of Districts and the Deputy Inspector-General of Police, Bangalore City, to renew licences in Forms XVI and XVIA of Schedule VIII of the said Rules.

N. PUTTARANGASWAMY,
Chief Secretary to Government.

NOTIFICATION.

No. M. 12540—Med. 58-52-2, dated Bangalore, 23rd September 1952.

In exercise of the powers conferred by Section 3 of the Mysore Drugs (Control) Act, 1950 (Mysore Act VI of 1950), the Government of Mysore hereby declare the following drugs to be drugs to which the said Act applies, namely :—

Isonicotinic Acid Hydrazide and any other Hydrazine derivative of Isonicotinic Acid.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,
Secretary to Government,
Home and Revenue Departments.

NOTIFICATION.

No. Fl. 5733—S.T. 71-52-2, dated Bangalore, 24th September 1952.

In exercise of the powers conferred by Section 6 of the Mysore Sales-tax Act, 1948 (Mysore Act XLVI of 1948) and in supersession of notification No. Fl. 4904—S.T. 39-52-1, dated the 4th August 1952, the Government of Mysore is pleased to direct that every dealer in mutton, eggs, fruits, vegetables, flowers, fresh milk (other than canned, preserved, dried or dehydrated mutton, fruits, vegetables, flowers and milk and potatoes, onions and cocoanuts), bread and betel leaves, shall pay tax under sub-section (1) of Section 3 of the

said Act at the rates specified below with effect from the 4th August 1952.

Turnover	*Tax*
If his turnover is not less than rupees Ten thousand but does not exceed rupees twenty thousand.	Rupees ninety-six per annum.
If his turnover exceeds rupees twenty thousand but does not exceed rupees forty thousand.	Rupees one hundred and forty-four per annum.
And for every turnover of rupees forty thousand or a part thereof in excess of rupees forty thousand.	Three pies for every rupee on such turnover.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

NOTIFICATION.

No. Fl. (B). 7810-910—Bud. 32-52-2, dated Bangalore, 18th October 1952.

THE MYSORE CONTINGENCY FUND RULES, 1952.

In exercise of the powers conferred by Section 4 of the Mysore Contingency Fund Act, 1950 (Mysore Act XXI of 1950), the Government of Mysore is pleased to make the following rules :—

1. These Rules may be called the "Mysore Contingency Fund Rules, 1952".

2. In these Rules, "Fund" means the Contingency Fund of the State of Mysore.

3. (1) All applications for advances from the Fund shall be made to the Secretary to Government, Finance Department.

(2) Every application shall give :—

(*a*) brief particulars of the additional expenditure involved;
(*b*) the circumstances in which provision could not be included in the Budget ;
(*c*) why its postponement is not possible ;
(*d*) the amount required to be advanced from the Fund with full cost of the proposal for the year or part of the year, as the case may be ; and
(*e*) the grant or appropriation under which supplementary provision will eventually have to be obtained.

4. Advances from the Fund shall be made only for the purposes of meeting unforeseen or very urgent expenditure.

5. A copy of the order sanctioning the advance, which shall specify the amount, the grant or appropriation to which it relates and give brief particulars by sub-heads and units of appropriation of the expenditure for meeting which it is made, shall be forwarded by the Secretary to the Government of Mysore, Finance Department, to the Accountant-General, Mysore, Bangalore.

6. Supplementary estimates for all expenditure so financed shall be presented to the Legislature at the first session meeting immediately after the advance is sanctioned. As soon as the Legislature has authorised the additional expenditure by including it in any Supplementary Appropriation Act, the advances made from the Fund shall be resumed to the Fund.

NOTE.—While presenting to the Legislature estimates for all expenditure financed from the Contingency Fund, a note to the following effect will be appended to such estimates :—

> "A sum of Rs. ..... has been advanced from the Contingency Fund in ..... and an enquivalent amount is required to enable repayment to be made to that Fund."

7. A copy of the order resuming the advance, which shall give a reference to the number and date of the order in which the original advance was made and to the Supplementary Appropriation Act referred to in Rule 6, shall be forwarded by the Secretary to the Government of Mysore, Finance Department, to the Accountant-General, Mysore, Bangalore.

8. An account of the transactions of the Fund shall be maintained by the Finance Department in Form 'A' annexed to these Rules.

9. Actual expenditure incurred against advances from the Contingency Fund shall be recorded by the Departments in the account relating to the Contingency Fund in as detailed a manner as it would have been shown if it had been paid out of the Consolidated Fund.

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ANNEXURE

FORM "A"

Contingency Fund of the State of Mysore.

Amount of the Fund Rs.....

Serial Number	Date of transaction	Number and Name of Grant or Appropriation	Number and date of the application for advance	Number and date of the order making the advance	Amount Advanced	Supplementary Appropriation—Act providing for the additional expenditure.	Amount of advance resumed	Balance after each transaction.	Initials of Officer-in-charge	Remarks
1	2	3	4	5	6	7	8	9	10	11

NOTE.—(1) The balance should be struck after each transaction;
(2) The amount of the advances should be entered in black ink when made and in red ink when resumed.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

NOTIFICATION.

No. T. 2146—R.T. 4-52-27, dated Bangalore, 25th September 1952.

ERRATUM.

For "Sri T. Nanjaiah *alias* Anna" appearing in Notification No. T. 556—R.T. 4-52-12, dated the 8th May 1952 published in Part IV, Section 2 (C) at page 188 of the *Mysore Gazette* dated the 15th May 1952, *read* "Sri K. Nanjaiah *alias* Anna."

By Order of His Highness the Maharaja,

R. J. REGO,
Secretary to Government,
Development Department.

NOTIFICATION.

No. L.S. 3376—L.W. 211-52-2, dated Bangalore, 15th September 1952.

In exercise of the powers conferred by Section 42 of the Mysore Shops and Establishments Act, 1948, the Government of Mysore are pleased to appoint Sri C. K. Kenchappa, B.A., as Inspector of Shops and Establishments, Chikmagalur Town.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3545—L.W. 61-52-11, dated Bangalore, 25th September 1952.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act (Mysore Act II of 1945), the Government of Mysore are hereby pleased to exempt shops exclusively dealing with the sale of newspapers and periodicals from the provisions of sub-section (1) of Section 11 of the said Act.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION. 399

No. L.S. 3761—L.W. 53-52-19, Bangalore, dated 8th October 1952.

In exercise of the powers conferred by sub-section (1) of Section 13 of the Employees' Provident Funds Act, 1952 (Central Act No. XIX of 1952), the Government of Mysore are pleased to appoint Sri B. S. Puttaswamy, B.A., B.L., Commissioner of Labour in Mysore, to be an Inspector for the whole of the State of Mysore, for the purposes of the said Act and of any Schemes made thereunder.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3762—L.W. 53-52-20, Bangalore, dated 8th October 1952.

In exercise of the powers conferred by sub-section (1) of Section 13 of the Employees' Provident Funds Act, 1952 (Central Act No. XIX of 1952), the Government of Mysore are pleased to appoint Sri T. Sadasiviah, B.A., Assistant Commissioner of Labour, Mysore Division, to be an Inspector for the whole of the State of Mysore, for the purposes of the said Act and of any Schemes made thereunder.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3778—L.W. 94-52-10, Bangalore, dated 8th October 1952.

Whereas the person having the control of the institution specified in Column (1) of the table printed below, which is an institution maintained for the purpose of National Research in Food Technology, has submitted for the approval of Government a Scheme for the regulation of the hours of employment, intervals for meals, and holidays of the persons employed in or attending the said institution;

And whereas the Government of Mysore are satisfied that the provisions of the scheme are not less favourable than the provisions

of the Factories Act, 1948 (Central Act No. LXIII of 1948), relating to hours of employment, intervals for meals and holidays;

Now, therefore, in exercise of the powers conferred by Section 86 of the Factories Act, 1948 (Central Act No. LXIII of 1948), the Government of Mysore are pleased to exempt the workshop attached to the said institution from the provisions of the said Act specified in Column (2) of the said table subject to the conditions that all the requirements of the said Act relating to safety are duly complied with and that no manufacture is undertaken in the said Workshop, of any article, apparatus or equipment for commercial purposes.

TABLE.

Name of the Institution	Provisions of the said Act
Central Food Technological Research Institute, Mysore.	All provisions except Section 6 and Chapter IV.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3815—L.W. 230-52-2, Bangalore, dated 9th October 1952.

In exercise of the powers conferred by Section 6 of the Employment of Children Act, 1938 (Central Act No. XXVI of 1938) the Government of Mysore is pleased to appoint the Officers specified in Column (2) of the following table, to be Inspectors for the purposes of securing compliance with the provisions of the said Act in respect of the areas specified in the corresponding entries in Column (3) of that Table:—

TABLE.

Sl. No.	Officers	Area
1.	The Chief Inspector of Factories in Mysore, Bangalore	The whole of the State of Mysore
2.	The Inspector of Factories, Bangalore Division, Bangalore.	The Districts of Bangalore, Kolar and Tumkur.
3.	The Inspector of Factories, Mysore Division, Mysore.	The Districts of Mysore, Mandya and Hassan.
4.	The Inspector of Factories, Shimoga Division, Shimoga.	The Districts of Shimoga, Chitaldrug and Chikmagalur.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION. ৫০১

No. L.S. 3878—L.W. 108-52-3, Bangalore, dated 13th October 1952.

In exercise of the powers conferred by Sections 49, 50 and 112 of the Factories Act, 1948 (Central Act No. LXIII of 1948), the Government of Mysore are pleased to make the following amendment in the Welfare Officers (Recruitment and Conditions of Service) Rules, 1951, the same having been previously published as required by Section 115 of the said Act :—

Amendment.

In clause (IV) of Rule 7 of the said Rules, for the words "conciliation and arbitration". occurring at the end of the said clause, the words "persuasive efforts" shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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The Mysore Gazette

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(EXTRAORDINARY)

BANGALORE, TUESDAY, OCTOBER 14, 1952

NOTIFICATION.

No. E. B. 12115—Eln. 159-51-4, Bangalore, dated 14th October 1952.

CORRIGENDUM.

In Notification No. 16212—Eln. 159-51-1, dated February 4th, 1952, published in the *Mysore Gazette* Extraordinary dated 4th February 1952, in page 9, in Declaration No. (23) relating to Tumkur Constituency, *for*

"Sri M. V. Rama Rao, B.A., LL.B., XIV Ward, Tumkur Town",

read

"Sri. M. V. Rama Rao, B.A., LL.B., Advocate, Tumkur".

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

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The Mysore Gazette

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BANGALORE, THURSDAY, OCTOBER 23, 1952

NOTICE.

The undermentioned *Mysore Gazettes*, Extraordinary, were published during the week ending the 18th October 1952 :—

Sl. No.	No. and date	Issued by	Subject in brief
1	1676—L.C., dated 14th October 1952.	Secretary, Mysore Legislature.	The City of Bangalore Improvement (Amendment) Bill, 1952.
2	1677—L.C., dated 14th October 1952.	Do	The City of Mysore Improvement (Amendment) Bill, 1952.
3	1678—L.C., dated 14th October 1952.	Do	The Mysore Amusement Tax (Amendment) Bill, 1952.
4	1679—L.C., dated 14th October 1952.	Do	The Mysore Land Revenue Code (Amendment) Bill, 1952.
5	1680—L.C., dated 14th October 1952.	Do	The Land Improvement Loans (Amendment) Bill, 1952.
6	7467—L.A., dated 14th October 1952.	Do	The Mysore Village Officers (Amendment) Bill, 1952.
7	E.B. 12115—Eln. 159-51-4, dated 14th October 1952.	Law Secretary ...	Corrigendum—Election Declaration.
8	7603—L.A., dated 15th October 1952.	Secretary, Mysore Legislature.	The Mysore Cinemas (Regulation) Bill, 1952.
9	7592—L.A., dated 15th October 1952.	Do	The Mysore Village Panchayet and District Boards (Second Amendment) Bill, 1952.
10	8095—L.A., dated 18th October 1952.	Do	The Mysore Village Panchayet and District Boards (Second Amendment) Bill, 1952, modified.
11	8118—L.A., dated 18th October 1952.	Do	Resignation—Seat of L.A.

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The Mysore Gazette

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PART IV

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CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1233—Legis. 7-52-5, Bangalore, dated 16th October 1952.

Ordered that Notification No. S.R.O. 1669, dated the 26th September 1952 of the Ministry of Law—The Council of States (Term of Office of Members) Order, 1952, published in the Gazette of India, Part II, Section 3, dated the 30th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 26th September 1952.

S.R.O. 1669.—The following Order made by the President is published for general information :—

THE COUNCIL OF STATES (TERM OF OFFICE OF MEMBERS) ORDER, 1952.

In pursuance of sub-section (2) of section 154 of the Representation of the People Act, 1951 (XLIII of 1951), the President, after consultation with the Election Commission, hereby makes the following Order :—

1. This Order may be called the Council of States (Term of Office of Members) Order, 1952.

2. For the purposes of this Order, members of the Council of States shall be grouped as shown in the first column of the Schedule to this Order, and the total number of members of each group shall be divided into three categories as shown in the second, third and fourth columns of the said Schedule.

3. The member or members of each group to be placed in each of the said three categories shall be determined by the Election Commission by drawing lots in public in such manner as it may deem fit, after notifying in the Gazette of India the time and place at which the lots will be drawn; and the term of office of a member shall expire on the second day of April, 1958, 1956 or 1954, according as he is placed in the first, second or third category.

4. The Election Commission shall cause to be published in the Gazette of India a statement showing the terms of office of members as determined under paragraph 3.

5. If on the date on which lots are drawn under paragraph 3 any seats in the Council of States are vacant, all references to members in the foregoing provisions of this Order shall be construed as including references to the persons who last filled those seats.

THE SCHEDULE.

(*See* paragraph 3)

Groups of Members	Number of members to be placed in		
	First Category	Second Category	Third Category
1. Representatives of Assam	2	2	2
2. ,, ,, Bihar	7	7	7
3. ,, ,, Bombay	6	6	5
4. ,, ,, Madhya Pradesh ...	4	4	4
5. ,, ,, Madras	9	9	9
6. ,, ,, Orissa	3	3	3
7. ,, ,, Punjab	3	2	3
8. ,, ,, Uttar Pradesh ...	10	11	10
9. ,, ,, West Bengal ...	5	4	5
10. ,, ,, Hyderabad ...	3	4	4
11. ,, ,, Jammu and Kashmir ...	2	1	1
12. ,, ,, Madhya Bharat ...	2	2	2
13. ,, ,, Mysore	2	2	2
14. ,, ,, P.E.P.S.U. ...	1	1	1
15. ,, ,, Rajasthan ...	3	3	3
16. ,, ,, Saurashtra ...	1	2	1
17. ,, ,, Travancore-Cochin ...	2	2	2
18. ,, ,, Vindhya Pradesh ...	1	1	2
19. ,, ,, Bhopal ... ... / Bilaspur-cum-Himachal Pradesh ... / Delhi and Kutch	2	1	1
20. Members nominated by the President ...	4	4	4
	72	71	71

[No. F. 24(7)/52-C.]

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secretary

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. C. 777—Co. 27-52 11, dated Bangalore, 24th September 1952.

Ordered that the following Notification No. S.R.O. 1545 dated the 11th September 1952 of the Ministry of Commerce and Industry rescinding the Newsprint Control Order, 1951, be republished for general information. Consequently, the weekly statements and copies of newspapers required to be sent to the Chief Secretary to Government by the Proprietors of Daily and Weekly Newspapers in the State (as per notice No. C. 473-4—Co. 27-52-8, dated 30th July 1952) need not be sent.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 11th September 1952.

S.R.O. 1545.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (XXIV of 1946) the Central Government hereby rescinds the Newsprint Control Order, 1951, published with the Notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 335-A, dated the 8th March 1951.

K. N. KAUL, Joint Secretary.

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NOTIFICATION.

No. C. 828—C.O. 24-52-5, Bangalore, dated 14th October 1952.

Ordered that the accompanying Notification No. S.R.O. 1484, dated 30th August 1952 issued by the Government of India, Ministry of Commerce and Industry amending the Cotton Textiles (Control) Order 1948, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 30th August 1952.

S.R.O. 1484. In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) the Central Government hereby direct that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948, namely.—

In the said Order—

1. In clause 3—

(*a*) for sub-clause (*a*) the following sub-clause shall be substituted, namely.—

(*a*) 'cloth' means any fabric made either wholly from cotton or partly from cotton and partly from any other material, and includes dhoties, sarees, lungis, chaddars, bed-sheets, towels, handkerchiefs and other similar articles made from cloth specified by the Textile Commissioner from time to time, but does not include—

(i) made-up clothing ;

(ii) hosiery including hosiery knitted tubular fabric which has only a running thread knitted through the entire fabric;

(iii) leather cloth, inferior or imitation leather cloth ordinarily used in book-binding and book-binding cloth ;

(iv) tracing paper ;

(v) fabric manufactured partly from cotton and partly from wool and containing 40 per cent or more of wool by weight ;

(vi) rubberised or synthetic water-proof fabrics whether single textured or double textured ;

(*b*) after sub-clause (*a*) the following sub-clause shall be inserted namely.—

(*aa*) 'yarn' means any type of yarn manufactured either wholly from cotton or partly from cotton and partly from any other material."

(*c*) in sub-clause (*c*) for the words "shall include master-weavers of handloom cloth" the words, brackets and letters "shall include (i) a master-weaver of handloom cloth, and (ii) a person in possession of cloth or yarn acquired by him under the export licence" shall be substituted.

2. In clause 12 after sub-clause (2) the following sub-clause shall be insertde, namely.—

"(2A) (i) where any spindles have been installed in any undertaking after the 31st day of December, 1950 the Textile Commissioner may in respect of such spindles by a special order, fix a quantity of yarn which shall be sold by the producer concerned in any quarter;

(ii) in fixing the said quantity the Textile Commissioner shall have regard to any condition of which such producer had knowledge at or before the time of his purchase of the said spindles, about reserving a per centage of them for production of yarn for sale; and the said quantity shall not in any case exceed 50 per cent of the quantity that can be produced on the said spindles;

(iii) where any producer is required to sell any quantity of yarn under sub-clause (1) or sub-clause (2), the quantity fixed under this sub-clause shall be in addition to such quantity."

3. In Clause 19 for the words from "No producer" to "2' border' the following shall be substituted, namely.—

19. No producer shall produce any cloth with a border—

(1) whether plain, dobby or jacquard containing folded yarn in excess of what is required for a 2" border;

(ii) containing more than four ends per dent where the border is plain or more than six ends per dent in any other case.

4. In clause 20-A—

(*a*) in the proviso to sub-clause (i) the words and figures "not exceeding twice the quantity of cloth used by him for the production of such articles during the period of one year immediately preceding the first day of October 1951" shall be omitted.

(*b*) in sub-clause (ii)—

(1) item (*b*) shall be omitted and item (*c*) shall be relettered as item (*b*);

(ii) for the proviso the following proviso shall be substituted, namely.—

Provided that in relation to the manufacture of the following items namely—

(*a*) hosiery,

(*b*) reeds and healds,

(*c*) spindle tapes, ropes, twisted cords, bundle of tubular bandlings,

(*d*) beltings,

the Textile Commissioner may by order in writing and having regard to—

(*a*) the quantity of yarn which such producer is required to sell under the provisions of sub-clauses (1), (2) and (2A) of clause 12;

(*b*) the quantity of any of the said items produced by him in any of the two years 1949 and 1950—

authorise the producer to utilise a specified quantity of yarn for the manufacture of any of the said items."

5. In clause 23 in the Explanation to sub-clause (2), after the words, "nothing in this sub-clause applies" the words "to cloth sold for export under a valid export licence or" shall be inserted.

6. To sub-clause (1) of clause 24 the following proviso shall be added, namely,—

"Provided that nothing in this sub-clause shall apply to cloth or yarn acquired under a valid export licence."

7. In sub-clause (3) of clause 28 after the existing proviso the following further proviso shall be added, namely.—

"Provided further that nothing in this sub-clause shall apply to cloth or yarn acquired under a valid export licence."

8. In clause 20 to sub-clause (2), the following proviso shall be added, namely.—

"Provided that in the case of cloth or yarn packed for export the report shall be made to the Textile Commissioner only."

9. In clause 30–A, after sub-clause (2), the following sub-clause shall be added, namely.—

(3) "Nothing in this clause and in clause 30–B shall apply to cloth or yarn packed for export."

S. A. TECKCHANDANI,
Under Secretary to the Government of India.

NOTIFICATION.

No. C. 829—Co. 14-52-8, Bangalore, dated 14th October 1952.

Ordered that the accompanying Notifications Nos. 8(1) P.C.—52, dated 29th September 1952, 3 (4)-P.C.—52, dated 29th September 1952 and 3 (4)-P.C.—52, dated 29th September 1952 of the Government of India, Ministry of Commerce and Industry, issued under the provisions of the Supply and Prices of Goods Act, 1950 (LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 28th September 1952.

No. 8 (1)-P.C.—52. In exercise of the powers conferred by Sections 4, 7, 10 and 19 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby rescinds the Notification of the Government of India in the late Ministry of Industry and Supply, No. S.R.O. 504, dated the 2nd September, 1950, relating to electric bulbs.

B. B. SAKSENA,
Deputy Secretary to the Government of India.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 29th September 1952.

No. 3 (4)-P.C.—52. In exercise of the powers conferred by Sections 4, 7, 9, 10 and 16 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby rescinds the Notification of the Government of India in the late Ministry of Industry and Supply, No. S.R.O. 499, dated the 2nd September 1950, relating to bicycles and cycle tyres and tubes.

B. B. SAKSENA,
Deputy Secretary to the Government of India.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 29th September 1952.

No. 3 (4)-P.C.—52. In exercise of the powers conferred by Sections 7 and 19 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that in the Notification of the Government of India in the late Ministry of Industry and Supply, No. S.R.O. 979, dated the 27th November 1950, as amended from time to time, all entries relating to bicycles, bicycle parts and accessories, cycle tyres and tubes and electric bulbs shall be omitted.

B. B. SAKSENA,
Deputy Secretary to the Government of India.

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NOTIFICATION.

No. C. 840—C.O. 14-52-10, dated Bangalore, 18th October 1952

Ordered that the accompanying Notification No. S.R.O. 1325, dated the 1st August 1952 of the Government of India, Ministry of Commerce and Industry issued under the Supply and Prices of Goods Act, 1950 (LXX of 1950), regarding the prices of Horlicks Malted Milk, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

ORDER.

New Delhi, the 1st August 1952.

S.R.O. 1325.—In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following further amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 500, dated the 2nd September, 1950, namely :—

In the Schedule to the said notification, for the entries relating to Horlicks the following entries shall be substituted, namely :—

"Horlicks	1 lb.	...	Rs.	3	14	0	per bottle.
Do	½ lb.	...	,,	2	4	0	do
Do	5 lbs.	...	,,	18	3	0	do ."

[No. PC-4 (1)/52 PT-II.]

S. A. R. CHARI,

Assistant Secretary.

(HOME DEPARTMENT).

NOTIFICATION.

No. H.A. 5219-34—Pol. 126-52-6, Bangalore, dated the 27th September 1952.

The following Notification No. 44-31—52-Poll., dated the 15th September 1952 of the Government of India, Ministry of Home Affairs, is republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,
Secretary to Government,
Home and Revenue Departments.

No. 44-31—52-Poll.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi (2); the 15th September 1952.

NOTIFICATION.

In exercise of the powers conferred by sub-section (2) of Section 1 of the Preventive Detention (Second Amendment) Act, 1952 (LXI of 1952), the Central Government hereby appoints the 30th September, 1952, as the date on which the said Act shall come into force.

U. K. GHOSHAL,
Deputy Secretary to the Government of India.

NOTIFICATION.

No. I. 2087—Ind. 81-52-2, Bangalore, dated 10th October 1952.

Ordered that the accompanying Notification No. S.C. (A) 4 (51)/II, dated the 15th September 1952, issued by the Government of India, Ministry of Commerce and Industry, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

R. J. REGO,

Secretary to Government,
Development Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 15th September 1952.

NOTIFICATION.

No. S.C. (A)-4 (51)/II. The following notification issued by the Iron and Steel Controller, Calcutta, under clauses 4 and 5 of the Iron and Steel (Control of Production and Distribution) Order, 1941, is published for general information :—

"In pursuance of the provisions of clauses 4 and 5 of the Iron and Steel (Control of Production and Distribution) Order 1941, I hereby order that no permit shall be necessary for the acquisition, within the Union of India, by any person from a person other than a Registered Producer or a Controlled Stockholder or for the disposal, within the Union of India, by a person other than a Registered Producer or a Controlled Stockholder to any person, of any quantity of Iron and Steel from such stocks as were held by a person other than a Registered Producer or a Controlled Stockholder for a period exceeding 60 days (sixty days) from the date of receipt by the State Steel Licensing Authority of first intimation of such stocks but which remain either (*a*) uncovered by permits or (*b*) covered by issue of permits, but for which no financial arrangements have been made by the allottees within the period of validity of the permits issued.

This relaxation shall not affect the statutory selling prices of such categories of iron and steel and shall be subject to the following conditions :—

(i) Every person other than a Registered Producer or a Controlled Stockholder shall submit, at the end of each calendar month, to the State Steel Licensing Authority concerned, a return showing the details of the stocks to which the relaxation referred to in paragraph I above is applicable, indicating the number and date of the letter by which such stocks were reported to the State Steel Licensing Authority so as to reach the State Steel Licensing Authority not later than the 10th of the succeeding month.

(ii) If a person holding a valid permit approaches a person other than a Registered Producer or a Controlled Stockholder, such permit should be honoured, even though the period referred to in paragraph I above has expired.

(Sd.) C. R. NATESAN,
Iron and Steel Controller,

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NOTIFICATION.

No. A.F. 6378—Mart. 4-52-8, Bangalore, dated 10th October 1952.

The following draft of certain amendments to the Mysore Agricultural Produce Markets Rules, 1947, which the Government of Mysore proposes to make in exercise of the powers conferred by sub-section (1) of Section 6 of the Mysore Agricultural Produce Markets Act, 1939 (Mysore Act No. XVI of 1939), is hereby published for the information of all persons likely to be affected thereby, as required by sub-section (4) of the said section and notice is hereby given that the *draft will* be taken into consideration on or after the 31st October 1952.

Objections or suggestions which may be received from any person in respect of the said draft before the said date will be considered by the Government of Mysore. Such objections or suggestions should be addressed to the Secretary to the Government of Mysore, Education and Agriculture Departments, Old Public Offices, Bangalore 1.

Draft Amendments.

(1) For clause (*d*) of sub-rule (2) of Rule 4, the following clause shall be substituted, namely :—

" The Chairman of the Committee shall be nominated by the Government from among the members of the Committee."

(2) In rule 20, the word " Election " in the marginal heading and the first two sentences shall be deleted and for the word " He " in the third sentence the words " The Chairman " shall be substituted.

(3) In rules, 21 and 22 the words " Chairman or " wherever they occur shall be omitted.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Education and Agriculture Departments.

NOTIFICATION.

No. L.D. 1139—Legis. 6-52-45, dated Bangalore, 26th September 1952.

Ordered that Notification No. S.R.O. 1576, dated the 3rd September 1952 of the Ministry of Labour bringing into force certain provisions of the Employees' State Insurance Act, 1948, from 1st September 1952 published in the *Gazette of India*, Part II, Section 3, dated the 13th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, dated the 3rd September 1952.

S.R.O. 1576.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (XXXIV of 1948) the Central Government hereby appoints the 1st September 1952 as the date on which sub-section (1) of section 76, sections 77, 78, 79 and 81 of Chapter VI of the said Act shall come in force in the whole of India except the State of Jammu and Kashmir, the State of Delhi and Kanpur area of the State of Uttar Pradesh.

[No. S.S. 122(25)-A.]

S. NEELAKANTAM, Dy. Secy

NOTIFICATION.

No. L.D. 1140—Legis 5 52-75, dated Bangalore, 26th September 1952.

Ordered that Notification No. S.R.O. 1569, dated the 8th September 1952 of the Ministry of Communications amending the Rules for licensing of Wireless Receiving Apparatus 1940, published in the *Gazette of India*, Part II, Section 3, dated the 13th September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

NOTIFICATION.

New Delhi, dated the 8th September 1952.

S.R.O. 1569.—In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (XIII of 1885) the Central Government hereby directs that the following further amendment shall be made in the Rules for licensing of Wireless Receiving Apparatus, 1940, namely:—

In rule 14 B of the said Rules, for the words and figures "31st July 1952", the words and figures "31st August 1942" shall be substituted.

[No. T2/W21-16/51-I.]

K. V. VENKATACHALAM, Dy. Secy.

NOTIFICATION.

No. L. S. 3515 -L.W. 172-52-12, dated Bangalore, 24th September 1952.

Ordered that the order of the Labour Appellate Tribunal of India Bombay, in Application (Stay) (Bom.) No. 503 of 1952 in Appeal (Bom.) No. 249 of 1952 received by the State Government as per Section 9 (9) of the Industrial Disputes (Appellate Tribunal) Act, 1950, be published in the *Mysore Gazette*, for general information.

IN THE HONOURABLE LABOUR APPELLATE TRIBUNAL OF INDIA AT BOMBAY.

Application (Stay) (Bom) No. 503 of 1952 in Appeal (Bom.) No. 249 of 1952.

The Mysore Paper Mills Ltd., Asiatic Buildings, Kempegowda Road Bangalore 2. ... ... *Applicants.*

Versus

1. The Workmen of the Mysore Paper Mills, Ltd., by the Mysore Paper Mills Ltd., Labour Association, Bhadravati, Shimoga District, Mysore State.
2. The Workmen of the Mysore Paper Mills Ltd., not represented by Opponent No. 1. ... ... *Opponents.*

In the matter of an application for stay of further proceedings before the Industrial Tribunal (Sri B. R. Ramalingaiah, Chairman and Janab Mahmood Sheriff and Sri K. Shamaraja Iyengar, Members) Bangalore, in A.C. 3 of 1951-52.

The 5th day of September 1952.

Present:—

Mr. K. P. Lakshmana Rao, President.
Mr. F. Jeejeebhoy, Member.

Appearances:

For the Applicants :—Sri S. Srikantaya, Advocate.
For the Opponents :—(1) Sri G. V. Ramachar, Advocate.
(2) No appearance.

State :—Mysore.
Industry :—Paper.

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ORDER.

This is an application for stay of further proceedings before the newly constituted Tribunal which has been directed by the order of its appointment to hear and decide the disputes referred to the previous Tribunal. Section 8 clause 1 requires the reconstituted Tribunal to continue the proceedings and the management have only one or two witnesses to be examined on their side. The workers have led their evidence and closed their case. In the circumstances we do not consider this a fit case in which further proceedings should be stayed. The application is dismissed.

K. P. LAKSHMANA RAO, *President.*

F. JEEJEEBHOY, *Member.*

By the Tribunal

M. T. MIRCHAND,
Deputy Registrar.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. 9537—Cts. 95-52-5, Bangalore, dated 26th September 1952.

In exercise of the powers conferred by sub-section (1) of Section 6 of the Criminal Law Amendment Act, 1952 (Central Act XLVI of 1952), the Government of Mysore is pleased to appoint each of the officers mentioned in column (1) of the Table below to be a Special Judge for the area specified in the corresponding entry in column (2) thereof, to try the offences mentioned in the said Section :—

TABLE.

Officers. (1)	*Area.* (2)
1. The Principal Sessions Judge, Bangalore Division.	District of Bangalore excluding the Civil Station of Bangalore and the Districts of Kolar and Tumkur.
2. The Principal Sessions Judge, Civil Station, Bangalore.	Civil Station, Bangalore.
3. The Principal Sessions Judge, Mysore Division, Mysore.	Districts of Mysore, Mandya and Hassan.
4. Sessions Judge, Shimoga Division, Shimoga.	Districts of Shimoga, Chitaldrug and Chikmagalur.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government
Law Department.

NOTIFICATION.

No. L.S. 3794—L.W. 107-52-4, Bangalore, dated 9th October 1952.

Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the Workers and Managements of certain Beedi Factories in Mysore City specified in Schedule I in respect of the points of dispute specified in Schedule II below ;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L. S. 1515—L.W. 131-52-1, dated 28th June 1952.

SCHEDULE I.

Messrs.—

(1)	Peer Beedi Factory	...	...	Mysore
(2)	Union Beedi Factory ...	...	...	do
(3)	College Beedi Factory ...	...	...	do
(4)	Gaffar and Jehangir Beedi Factory	...	...	do
(5)	Congress Beedi Factory	...	...	do
(6)	Sovereign Beedi Factory	...	...	do
(7)	Rahim Beedi Factory	...	...	do
(8)	Kaka Beedi Factory	...	...	do
(9)	Chain Pocket Beedi Factory	...	...	do
(10)	Station Beedi Factory	...	...	do
(11)	Sagar Beedi Factory	...	...	do
(12)	Rashid Beedi Factory	...	...	do
(13)	Jamal Beedi Factory	...	...	do
(14)	Airoplane Beedi Factory	...	...	do
(15)	The Mysore Beedi Factory	...	...	do
(16)	Char Number Beedi Factory	...	...	do

SCHEDULE II.

(1) Payment of a uniform wage rate of Rs. 2–8–0 per thousand Beedies prepared, both by male and female workers.

(2) All materials for the preparation of Beedies to be supplied at the cost of the Management.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. L.S. 3442—L.W. 257-51-13, dated Bangalore, 17th September 1952.

In exercise of the powers conferred by sub-section (1) of Section 96 of the Employees' State Insurance Act, 1948 (Central Act No. XXXIV of 1948), the Government of Mysore are pleased to make the following rules, the same having been previously published in Part IV, Section 2-C of the *Mysore Gazette*, dated 7th August 1952, as required by the said Section :—

Mysore Employees' State Insurance Court Rules, 1952.

CHAPTER I.

1. (1) *Short title and commencement.*—These Rules may be called the Mysore Employees' State Insurance Court Rules, 1952.

(2) They shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Employees' State Insurance Act, 1948 (XXXIV of 1948);

(*b*) "Court" means an Employees' State Insurance Court constituted under Section 74;

(*c*) "Form" means a form appended to these rules;

(*d*) "Section" means section of the Act;

(*e*) "State Government" means the Government of Mysore;

(*f*) All other words and expressions used herein and not defined shall have the meanings respectively assigned to them by the Act;

CONSTITUTION OF COURTS.

3. *Composition of the Court and place of sitting.*— (1) A Court shall ordinarily consist of one Judge:

Provided that the State Government may, after consultation with the Corporation, by notification in the *Mysore Gazette*, appoint two or more Judges to a Court for any particular proceeding or class of proceedings and for such period as may be specified in the notification.

(2) Subject to the provisions of rule 6, a Court shall sit at such place or places and at such time as the State Government may, after consultation with the Corporation, from time to time specify.

4. *Constitution of the Presiding Officer of a Civil or Criminal Court as a Court.*—The State Government may constitute the Presiding Officer of any Civil or Criminal Court in the State as a Court for the purpose of the Act and such Presiding Officer shall thereupon discharge the functions of the Court in addition to his own duties.

5. *Distribution of business where there are more Courts than one.*—Where more than one Court is constituted for the same local area, the State Government may, after consultation with the Corporation by a general or special order, distribute business among them.

6. *Fixing of time of sitting, etc., where there is one Court for two or more local areas.*—(1) Where one Court is constituted for two or more local areas, the Court shall, subject to the approval of the State Government, appoint the time at which the Court shall sit in respect of each local area or in respect of any class of proceedings under the Act.

(2) A notice of the time appointed under sub-rule (1) shall be published in such manner as the State Government may, from time to time, direct.

7. *Procedure where there are more Judges than one.*—(1) Where more than one Judge has been appointed to a Court, the State Government shall specify their rank and precedence.

(2) The Senior Judge for the time being shall, from time to time, make such arrangements, as he thinks fit, for the distribution of business of the Court among the Judges thereof.

(3) When two or more Judges, sitting together, differ on any question, the opinion of the majority of such Judges shall prevail; where there is no majority, the opinion of the seniormost Judge shall, unless the State Government otherwise directs, prevail.

8. *Abolition, etc. of a Court.*—The State Government may, with the consent of the Corporation, by notification in the Official Gazette abolish any Court or by a like notification alter the jurisdiction of any Court.

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CONDITIONS OF SERVICE OF JUDGES, ETC.

9. *Appointment, salaries, allowances, etc.*—(1) The State Government may appoint a person qualified under Section 74 of the Act to be a Judge of a Court.

(2) A Judge shall receive such salary and allowances as the State Government may, from time to time, determine.

(3) A Judge shall receive dearness allowance, house-rent and other allowances, at such rates and subject to such conditions as are applicable to officers of the State Government of a corresponding rank stationed at the same place. A Judge shall be entitled to leave and leave salary under the leave rules which may from time to time be applicable to other Government servants of similar status and drawing similar emoluments.

(4) A Judge shall be entitled to travelling allowance for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the State Government such Judge belongs.

(5) A Judge shall be subject to such other conditions of service, as the State Government, may, determine.

(6) Notwithstanding anything contained in sub-rules (2) to (5) the pay, allowances, and other conditions of service of a Judge, if he is a person already in the service of the Government, shall be such as the State Government may, by a general or special order, from time to time, determine.

(7) Where the State Government confers the powers of a Court on the Presiding Officer of a Civil or Criminal Court, the Presiding Officer may be paid such additional allowance as the State Government may determine.

10. *Appointment of other officers and subordinate staff.*—(1) The State Government may, with the consent of the Corporation, appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and performance of the powers and duties conferred and imposed on a Court by or under the Act.

(2) The ministerial officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judge or, if there are more Judges than one, the senior Judge, may, subject to any order of the State Government, from time to time, direct.

(3) The ministerial officers and the subordinate staff of a Court shall be subject to such conditions of service and draw such salaries and other emoluments and receive such benefits as may be fixed by the State Government.

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ADMINISTRATIVE CONTROL AND COURT SEAL.

11. *Administrative Control of the High Court.*—A Court shall be subject to the administrative control and superintendence of the High Court, and shall—

(*a*) keep such registers, books and accounts as the High Court, may from time to time, prescribe; and

(*b*) comply with such requisitions as may be made by the High Court or the State Government for submission of service records, returns and statements, in such forms and in such manner as the authority making the requisition directs.

12. *Seal.*—A Court shall keep a seal of such size, dimensions and design as the State Government may direct.

CHAPTER II.

PROCEDURE AND EXECUTION OF ORDERS.

13. *Application.*—(1) Every proceeding under Section 75 shall be instituted by the presentation of an application to the Court.

(2) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) An application under Section 77 shall be presented in Form 1 shall be duly stamped in accordance with these rules, and shall contain the following particulars:—

(i) the name of the Court in which the application is brought;

(ii) the full name including the father's name, description including age, occupation and place of residence of the applicant;

(iii) the full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained;

(iv) where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian;

(v) the facts constituting the cause of action and the date when it arose;

(vi) the facts showing that the Court has jurisdiction;

(vii) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and

(viii) the relief which the applicant claims.

(4) The Court may summarily reject an application if it is not in accordance with sub-rule (2).

14. (1) *Production of documents.*—When any application is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2), as the case may be, shall not, without the permission of the Court, be admissible in evidence on behalf of the party who should have produced it.

(4) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in Form 2.

(5) Nothing in this rules shall apply to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

15. *Register of applications.*—All applications shall be entered in a register in Form 3 called the Register of Proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.

16. *Place of suing.*—In cases not falling under sub-section (1) of Section 76, a proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction—

(*a*) the opposite party or each of the opposite parties where there are more than one, at the time of commencement of the proceedings, actually and voluntarily resides, or carries on business, or personally works for gain, or

(*b*) any of the opposite parties, where there are more than one at the time of the commencement of the proceeding, actually and voluntarily resides, or carries on business, or personally works for gain provided that in such case either the leave of the Court is given, or the opposite parties who do not reside, or carry on business or personally work for gain, as aforesaid, acquiesce in such institution; or

(*c*) the cause of action, wholly or in part, arose.

17. (1) *Limitation.*—Every application to the Court shall be brought within twelve months from the date on which the cause of action arose or, as the case may be, the claim became due;

Provided that the Court may entertain an application after the said period of twelve months if it is satisfied that the applicant had sufficient reasons for not making the application within the said period.

(2) Subject as aforesaid the provisions of the Parts II and III of the Indian Limitation Act, 1908 (IX of 1908), shall so far as may be apply to every such applications.

18. *Application presented to wrong Court.*—(1) Where on receiving an application it appears to the Court that it should be presented to another Court, it shall return it to the applicant after endorsing upon it the dates of the presentation and return, the reason for returning it and the name of the Court to which it should be presented.

(2) Where it appears to the Court at any stage subsequent to the presentation of an application that the application should have been presented to another Court in the same State, the first mentioned Court shall send the application to the Court empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of the application under rule 19), accordingly.

(5) The Court to which an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

19. *Issue of Summons.*—(1) On receiving an application, the Court shall, ordinarily within three days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the 'opposite party'), a summons in Form 4 or Form 5, as the case may be, to appear and answer the applications on a day not later than fifteen days from the date of issue of such summons:

Provided that no such summons shall be issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.

(2) A copy of the application shall also be sent along with the summons under sub-rule (1).

20. *Service of summons or notice.*—(1) A summons or notice may, on payment of the required fee, be sent by the Court by which it is issued, either by registered post or in such other manner as the Court thinks fit.

(2) Where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reasons the summons or the notice cannot be served in the ordinary way, the Court shall order the summons or the notice to be served by affixing a copy thereof in some conspicuous place in the Court-house, and

also upon some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and such service shall be as effectual as if it had been made on the opposite party personally.

(3) Where a summons or notice is served under sub-rule (2), the Court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

21. *Additional matters in the summons.*—The Court shall determine at the time of issuing the summons, whether it shall be for the settlement of the issues only and/or for the final disposal of the application, and the summons shall contain a direction accordingly; the Court may also call upon the parties to produce upon that date any evidence which they wish to tender.

22. *Written statement.*—(1) The opposite party may, and, if so required by the Court, shall, at or before the first hearing or within such time as the Court may permit, present a written statement of his defence along with the documents on which he relies and an accurate list thereof in Form 2.

(2) Every such written statement shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) In every written statement submitted under sub-rule (1), the opposite party shall deal specifically with each allegation of fact alleged by the applicant, of which he admits or does not admit or denies the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised, would be likely to take the applicant by surprise or would raise issues of fact not arising out of the application as for instance, fraud, undue influence or coercion, release, payment, performance or facts showing illegality of the transaction.

23. *Failure to present written statement called for by the Court.*—Where any party from whom a written statement is required fails to present the same within the time prescribed by the Court, the Court may pronounce judgment against it or make such order in relation to the proceeding as it thinks fit.

24. *Framing of issues.*—(1) At the first hearing of the application, after the summons is served, the Court shall, after considering the application and the written statement, if any, or after such examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to

frame and record the issues upon which the right decision appears to depend.

(2) In recording the issues, the Court shall distinguish between those issues which in its opinion concern points of fact and those which concern points of law.

(3) The Court may, in like manner, at any time before passing its final order add to, strike out from or in any way amend the issues on such terms as it may think fit.

25. *Order where parties are not at issue.*—Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce its final order.

26. *Appearance of parties and consequences of non-appearance.*—(1) On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendance at the Court in person or by their respective legal practitioners or any other person authorised under Section 79 and the application shall then be heard unless the hearing is adjourned by the Court.

(2) When neither party appears when the application is called on for hearing, the Court may make an order that the application be dismissed.

(3) Where the opposite party appears and the applicant does not appear when the application is called on for hearing, the Court shall make an order that the application be dismissed unless the opposite party admits the claim or part thereof in which case the Court shall make an order against the opposite party upon such admission and where part only of the claim has been admitted, it shall dismiss the case so far as it relates to the remainder.

(4) Where the applicant appears and the opposite party after receiving the summons fails to appear when the application is called on for hearing, the Court may proceed *ex parte.*

(5) Where the application is wholly or partly dismissed under sub-rule (2) or (3), the applicant may within thirty days of such dismissal, apply in Form 6 for an order to set the dismissal aside and the Court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause, make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same:

Provided that no order under this sub-rule shall be made in respect of an application which is dismissed under sub-rule 3 unless notice of the application has been served in Form 7 on the opposite party.

(6) In any application in which an *exparte* order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form 6 to the Court which passed the order, to set it aside and if the Court is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause, it shall after serving notice thereof on the applicant in Form 7 make an order setting aside the order upon such terms as to costs or otherwise as it thinks fit and may proceed with the hearing of the case or appoint a day for proceeding with the same.

27. *Summoning of witnesses.*—(1) At any time after the framing of the issues, the Court may call upon the parties to produce their evidence in support of the issues.

(2) The Court may, on the application of either party, issue a summons in Form 8 to any witness directing him to attend or to produce any document.

(3) The Court may, before summoning any witness on application under sub-rule (2), require that his reasonable expenses to be incurred in attending the Court, be deposited with it.

28. *Grant of time and adjournment of hearing.*—(1) The Court may, if sufficient cause is shown, at any stage of the application, grant time to the parties or to any of them, and may, from time to time, adjourn the hearing of the application.

(2) In every such adjournment, the Court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the cost occasioned by the adjournment:

Provided that, when the hearing of the evidence has once begun, the hearing of the application shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

29. *Right to begin proceeding.*—The applicant has the right to begin unless the opposite party admits the facts alleged by the applicant and contends that either in point of law or on some additional facts alleged by the opposite party, the applicant is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

30. *Statement and production of evidence.*—(1) On the day fixed for the hearing of the application or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

(2) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.

(3) The party beginning may then reply generally on the whole case.

31. *Method of recording evidence.*—The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge, by the junior Judge in the language of the Court, not ordinarily in the form of question and answer, but in that of a narrative, and when completed, shall be read over or translated, where necessary, in the presence of such Judge to the witness, and such Judge shall, if necessary, correct the same and sign it.

32. *Recall of a witness.*—The Court may at any stage of a proceeding recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.

33. *Inspection by Court.*—The Court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

34. *Pronouncement of order.*—The Court, after the application has been heard, shall pronounce its final order in open Court, either at once or on some future day, of which due notice shall be given to the parties.

35. *Signing of order.*—The final order shall be dated and signed in open Court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from any accidental slip or omission.

36. *Statement of decision on each issue.*—In cases in which issues have been framed, the Court shall state its finding or decision, with the reason therefor, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the case.

37. *Compromise of suit.*—Where it is proved to the satisfaction of the Court that a case has been adjusted wholly or in part by any lawful agreement or compromise, or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a final order in accordance therewith so far as it relates to the case.

38. *Finality of order.*—Save as provided in Section 82, the order of a Court shall be final and binding upon the parties.

COSTS, DECREE, ETC.

39. *Costs.*—(1) The costs of and incidental to the application shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purposes aforesaid. The fact that the Court has no jurisdiction to try the case shall be no bar to the exercise of such powers.

(2) Where the Court directs that any cost shall not follow the event the Court shall state its reasons in writing.

40. *Contents of the decree.*—(1) A decree in Form 9 shall be prepared in conformity with the order made by the Court; it shall contain the number of the application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceeding.

(2) The decree shall also state the amount of costs incurred in the proceeding and by whom and in what proportions such costs are to be paid.

(3) The Court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

41. *Certified copies of order, decree, etc., to be furnished.*—(1) Certified copies of the final order, decree or any other order or matter on record shall be furnished to the parties on application to the Court and at their expense.

(2) If any party requires copies of any order, decree or any other matter or record made by or furnished to the Court, as the case may be, to be supplied to him within forty-eight hours of the submission of an application therefor to the Court, he shall pay an additional fee of two rupees for each such copy.

(3) If any party applies for copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, after the expiry of twelve months from the date of such making or furnishing, as the case may be, he shall pay an additional searching fee of two rupees.

EXECUTION.

42. *Execution.*—(1) Any person in whose favour an order has been passed shall, within one year from the date of the order, apply in Form 10 to the Court which made the order for its execution.

(2) On such application being made, the Court shall send the same together with the necessary record to a Civil Court of competent jurisdiction, for its execution and such Civil Court shall have the same power in executing such order as if it had been passed by it.

43. *Communication of fact of execution or otherwise.*—The Civil Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same and the circumstances attending such failure.

CHAPTER III.

FEES AND COSTS.

44. *Fees.*—(1) The fee payable on an application in respect of any matter referred to in Section 75 shall be two rupees.

(2) Subject to the provisions hereafter mentioned in this rule, the fee payable in respect of any other application except a written statement called for by the Court under these rules shall be annas eight:

Provided that the fee for an application for obtaining a copy or translation of any document or record or statement, order or decree presented to or made before or by the Court, as the case may be, shall be annas two only.

(3) The fee for copies of any document on record, or statement or order or decree shall be such as may from time to time be determined by the State Government.

(4) The fee for any authorisation for the appearance of any person under Section 79 on behalf of any of the parties in a case shall be one rupee.

(5) The fee for filing certified copies of any document in a Court shall be eight annas.

(6) All fees referred to in this rule and rule 41 shall be collected by means of Court-fee Stamps used in ordinary Courts and no document which ought to bear stamp under these rules shall be of any validity unless and until it is properly stamped:

Provided that where any such document is through mistake or inadvertence received, filed or used in a Court without being properly stamped, the Court may, if it thinks fit, order that such document be stamped as it may direct and on such document being stamped accordingly the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

(7) No document requiring a stamp under this rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

45. *Payment of cost of services of summons, etc.*—(1) The cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in

the proceding rule shall be such amount as may be specified in each case by the Court; and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefor.

(2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the Court to the party by whom or on whose behalf the amount was originally paid into the Court.

(3) The Court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

46. *Fees and costs of poor persons.*—The Court may, whenever it thinks fit, receive and register proceedings instituted under the Act and applications made under these rules, by persons who are paupers, and may issue summons or notices on behalf of such persons, without payment or on a part payment of the fees and costs mentioned in rules 44 and 45.

CHAPTER IV.

MISCELLANEOUS.

47. *Provisions in the Code of Civil Procedure, 1908 (V of 1908), etc., to apply.*—In respect of matters relating to procedure or admission of evidence for which no specific provision is made in these rules, the provisions of the Code of Civil Procedure, 1908 (V of 1908), including the Rules made thereunder and the Indian Evidence Act, 1872 (I of 1872), shall, so far as may be, apply to proceedings under the Act.

FORMS.

FORM 1.

(*Rule 13*).

In the Employees' Insurance Court at .....

A. B. (add description and residence) .....

.....Applicant

Against

C. D. (add description and residence) .....

.....Opposite Party.

Other particulars of the application specified in Rule 13 .....

.....

.....

Date ..... Signature of the applicant.

(Verification by the applicant) :

The statement of facts contained in this application is to the best of my knowledge and belief true and correct.

Date..... .....

Signature.

FORM 2.

(*Rules 14* and *22*).

List of documents produced by $\frac{\text{applicant}}{\text{opposite party}}$

(Title) *e.g.*, Description, subject, name of the Court, No., etc.

No.	Description of document	Date, if any, which the documents bear	Signature of party or Pleader or any authorised representative
(1)	(2)	(3)	(4)

FORM 3.

Register of Proceedings (*Rule 15*).

Employees' Insurance Court at.....

Register of Proceedings in the year 194 .

	Applicant			Opposite party			Claim			Appearance			Final Order			Appeal		Execution				
Date of presentation of application	No. of proceeding	Name	Description	Place of residence	Name	Description	Place of residence	Particulars	Amount or value, if any	When the cause of action accrued	Day for parties to appear	Applicant	Opposite party	Date	For whom	For what, or amount	Date of decision of appeal, if any	Judgment in appeal	Date of application	Against whom	For what, and amount of money	Amount of costs	Date of order transferring to another Civil Court of..... at.....	Other remarks, if any.

FORM 4.

(Rule 19)

SUMMONS FOR DISPOSAL OF PROCEEDINGS.

(Title).

To

(Name, Description and Place of residence).

Whereas.....has instituted proceedings against you for..... .....you are hereby summoned to appear in this Court in person or by authorised agent duly instructed and able to answer all material questions relating to the case, or who shall be accompanied by some person able to answer all such questions at.....o' clock in the.....noon on the..... day of.....19.....to answer the claim and as the day fixed for your appearance is appointed for the final disposal of the proceedings, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice, that, in default of your appearance on the day before mentioned the case will be heard and determined in your absence.

Given under my hand and the seal of the Court, this..... day of.....19.....

NOTICE.

1. Should you apprehend your witnesses will not attend the Court of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the cost of the proceedings, to avoid execution of the decree, which may be against your person or property or both.

FORM 5.

(*Rule 19*).

SUMMONS FOR SETTLEMENT OF ISSUES.

To

(Name, Description and place of residence).

Whereas ..... has instituted proceedings against you for..... you are hereby summoned to appear in the Court in person, or by an authorised agent duly instructed, and able to answer all material questions relating to the proceedings, or who shall be accompanied by some person able to answer such questions, at..... .....o' clock in the.....noon, on the.....day of .....19.....to answer the claim and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and the seal of the Court this.....day of .....19... .....

Court.

NOTICE.

1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness and the production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property, or both.

FORM 6.

(*Rule 26*).

Title.

Subject :—Application for setting aside the ——— order.
ex parte

The.....above-named states as follows :—

(The grounds of application should be stated).

Date.....

Verification by the applicant. Signature of the applicant.

The statement of facts contained in the application is to the best of my knowledge and belief true and correct.

Date Signature.

Place

FORM. 7.

(*Rule 26*).

GENERAL FORM.

(Title).

To

Whereas the abovenamed..... has made application to this Court that..... You are hereby warned to appear in this Court in person or by Pleader duly instructed at..... .....o' clock in the..... .....noon, on the..... day of .....19.....to show cause against the application failing wherein, the said application will be heard and determined *ex parte*.

Given under my hand and the seal of the Court, this..... day of.....19.....

G. FORM 8.

(*Rule 27*).

SUMMONS TO WITNESS.

(Title)

To

Whereas your attendance is required to ..... on behalf of the.....in the above proceedings, you are hereby required (personally) to appear before this Court on the ..... day of.....19 .....at..... ..... (o'clock in the .....noon, and to bring with you (or to send to this ..... Court).....

A sum of Rs.....being your travelling and other expenses and subsistence allowance for one day, is deposited with this Court and will be tendered to you on the day you appear before the Court. If you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908 (V of 1908).

Given under my hand and the seal of the Court, this.....day of .....19 .....

Court.

Notice.—1. If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

2. If you are detained beyond the day aforesaid, a sum of Rs..... will be tendered to you for each day's attendance beyond the day specified.

FORM 9.

(*Rule 40*).

DECREE IN CASE.

(Title).

Claim for.

This case coming on this day for final disposal before ..... in the presence of ..... for the applicant and of ..... for the opposite party, it is ordered and decreed that ..... and that the sum of Rs ..... be paid by the ..... to the ..... on account of the costs of this suit, with interest thereon at the rate of ..... per cent per annum from this date to the date of realisation.

Given under my hand and the seal of the Court, this ..... day of ..... 19 .....

Court.

COSTS OF SUIT.

	Rs.	a.	p.		Rs.	a.	p.
1. Stamp for application ...				Stamp for power ...			
2. Stamp for power ...				Stamp for written statement.			
3. Stamp for exhibits ...				Pleader's fee ...			
4. Pleader's fee ...				Subsistence for witnesses.			
5. Subsistence for witnesses.				Service of summons and notices.			
6. Commissioner's fee ...				Commissioner's fee ...			
7. Service of summons and notices.							
Total ...				Total ...			

FORM 10—(*Rule 42*). APPLICATION FOR THE EXECUTION OF A DECREE.

In the Court of ..... decree-holder, hereby apply for execution of the decree herein below set forth :—

Number of proceeding	Name/s or party/ies	Date of decree	Whether any appeal preferred from decree	Payment or adjustment made, if any	Previous application, if any, with date and result	Amount with interest due upon the decree or other relief together with particulars of any cross decree	Amount of costs, if any, awarded	Against whom to be executed	Mode in which the assistance of the Court is required
III of 1949	A.B.—Applicant. C.D.—Opposite party.	January 11th, 1952.	No.	None.	Rs. 72-4-0 recorded on application, dated the 9th October, 1949.	Rs. 314-8-2 principal. [Interest at 6 per cent per annum, from date of order till payment.]	Rs. a. p. As awarded in the decree ..... Subsequently incurred ..... Total	Against the opposite party C.D.	(When attachment and sale of moveable property is sought) I pray that the total amount of Rs. .....(together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realised by attachment and sale of the opposite party's moveable property as per annexed list and paid *to me.* When attachment and sale of immoveable property is sought. I pray that the total amount of Rs.....(together with interest on the principal sum up to date of payment) and the costs of taking out this execution be realised by the attachment and sale of the opposite party's immoveable property specified at the foot of this application and paid *to me.*

I.....declare that what is stated herein is true to the best of my knowledge and belief.

Signed .....

Decree-holder.

Dated the ..... day of ..... 19 .....

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,

Law Department.

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NOTIFICATION.

No. R. 8378—L.S. 12-52-12, dated Bangalore, 6th October 1952.

In exercise of the powers conferred by Section 43 of the Mysore Tenancy Act, 1952 (Mysore Act No. XIII of 1952), the Government of Mysore is pleased to make the following Rules, the draft of the Rules having been published in the *Mysore Gazette*, dated 31st July 1952 as required by sub-section (3) of Section 47 of the said Act, namely :—

The Mysore Tenancy Rules, 1952.

1. These Rules may be called the Mysore Tenancy Rules, 1952. Short title.

2. In these Rules, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "Act" means the Mysore Tenancy Act, 1952;

(*b*) "Section" means a section of the Act;

(*c*) "Form" means form appended to these Rules;

(*d*) Words and expressions used but not defined in these Rules shall have the meanings respectively assigned to them in the Act.

3. The maximum rent payable under sub-section (1) of Section 6 shall be determined by the Amildar in the following manner:— Determination of maximum rent.

(1) The total yield from the land shall first be determined by him. This yield shall be based on the rates estimated on any of the following data, whichever is lower :—

(*a*) the quantity of average yield per acre of that crop as arrived at by actual crop cutting experiments, if any, conducted by the Government in that year in or near that local area;

(*b*) if no such experiments have been conducted in that year, the average yield per acre fixed for

that local area previously on the basis of such experiments ;

(*c*) the actual yield per acre agreed to by the landlord and the tenant ;

(*d*) the average yield of the crop per acre from the land or from a similar land in the local area during the preceding five years as may be determined by the Amildar after taking necessary evidence.

(2) After the total yield of the land is determined in accordance with sub-rule (1), the value of that crop shall be calculated in any one of the following methods :—

(*a*) on the basis of the prices, if any, fixed by the Government for the purchase of commodities such as foodgrains under any law for the time being in force ; or

(*b*) at rates recorded according to the scheme relating to the recording of harvest prices, if the crop is one of those for which such prices are taken ; or

(*c*) at rates published by the Chief Marketing Officer for the period from January to May each year ; or

(*d*) at rates prevailing in the local area as ascertained by the Amildar after taking further evidence regarding such matters as the average rates at which commodities were sold in the shandy.

Application for commutation of rent in terms of service or labour into cash.

4. An application for commutation or rent received in terms of service or labour into cash under sub-section (1) of Section 9 shall be in Form No. I.

Determination of reasonable rent.

5. (1) An application under sub-section (1) of Section 12 for determination of the reasonable rent of any land shall be in Form No. II.

(2) The other factors which shall be taken into consideration by the Amildar under clause (*e*) of sub-section (3) of Section 12 are the following :—

(i) the value of any service or contribution made by the landlord towards the cultivation of a tenant's

holding such as protection of crop, grant of seeds or manure ; and

(ii) the value of any service or contribution made by a tenant towards maintenance of or repairs to bunds, channels, hikkals, fences and farm houses.

Determination of tenancy under Section 16.

6. (1) Before a tenancy is terminated under sub-section (1) of Section 16, a notice in writing in Form No. IX shall be served on the tenant as required by sub-section (2) of Section 16.

(2) The Amildar shall determine the area in respect of which the tenancy should be terminated.

(3) For the termination of the tenancy under Section 16, an application in writing in Form No. VIII shall be presented to the Amildar by the landlord.

(4) The area, the tenancy in respect of which is to be terminated under sub-section (2) of section 16 shall be determined by the Amildar in the following manner subject to the minimum specified in the said sub-section :—

(i) if the area of land, the tenancy of which is to be terminated comprises dry, wet and garden lands, the area determined shall comprise all the three categories in the same proportion as the extent of land subject to termination, bears to the total extent of cultivable land held by the tenant under the said landlord.

(ii) In cases where the tenancy has to be terminated in respect of land exceeding one half of the cultivable extent held by the tenant the area in respect of which tenancy should be terminated shall be determined in the following manner :—

(*a*) If the extent of cultivable land held by the tenant under the said landlord exceeds eight acres but does not exceed ten acres, the extent that remains with the tenant after termination shall not be less than four acres.

(*b*) In cases where the extent of the land exceeds ten acres, the extent of area in respect of which the tenancy has to be terminated over and above one half of the cultivable extent of

the land shall be according to the following scales:—

Where the extent of the cultivable land held by the tenant under the said landlord exceeds:	The additional extent of area in respect of which the tenancy has to be terminated over and above one-half of the extent of land, shall be;
(1) 10 acres but does not exceed 20 acres	25 per cent of the land remaining over after termination in respect of one-half of the cultivable land.
(2) 20 acres do 30 acres ...	20 per cent do
(3) 30 acres do 40 acres ...	15 per cent do
(4) 40 acres do 50 acres ...	10 per cent do
(5) Above 50 acres ...	5 per cent

Certificate of transfer of house site and fees therefor.

7. (1) The certificate of transfer of a site to be granted by the Amildar under sub-section (3) of Section 19 shall be in Form No. III.

(2) Before a certificate of transfer of a site is granted by the Amildar, fees calculated on the value of such site at the rates specified in column 2 of the schedule appended to these rules shall be paid.

Certificate of purchase of land and fees therefor.

8. (1) The certificate to be issued by the Amildar under sub-section (3) of Section 22 shall be in Form No. IV.

(2) Before a certificate of purchase is granted by the Amildar, fees calculated on the value of the land at the rates specified in column 2 of the schedule appended to these rules shall be paid.

Receipt for rent.

9. The receipt to be given by a landlord to a tenant under sub-section (2) of Section 26 shall be in Form No. V. It shall be in the Kannada language and the counterfoil of such receipt shall be signed by the tenant or his authorised agent in acknowledgment of the correctness of the counterfoil and receipt of the copy. When a share of the produce is paid as rent, kind and quantity of such produce shall be mentioned in such receipt. The quantity shall be expressed, in the case of any commodity usually calculated:

(*a*) by measure, in terms of standard palla of one hundred seers;

(*b*) by weight, in terms of the standard maund of nine hundred and sixty tolas.

10. An application for possession of any land or dwelling house under sub-section (1) or sub-section (2) of Section 29 shall be in Form No. VI.

Application for possession of land or dwelling house.

11. An application by a landlord for recovery of rent payable to him by a tenant under sub-section (1) of Section 30 shall be in Form No. VII.

Application for recovery of rent.

12. All enquiries and other proceedings before the Amildar except those in respect of which a specific form of application has been prescribed in the foregoing rules, shall be commenced by an application in Form No. VIII.

Application in other cases.

13. An order of the Amildar awarding possession or restoring possession or use of any land shall be executed in the following manner:—

Execution of Orders of Amildar awarding or restoring possession of land.

(*a*) The order in each case shall be served on the person concerned with a notice in writing directing him to hand over or restore possession or use of the land to the party mentioned in the notice within fifteen days from the date of service of the said notice.

(*b*) If, even after service of such a notice, the direction given therein is not complied with, the Amildar shall evict the person concerned by removing, or deputing a subordinate officer, to remove such person.

14. (1) Every application made to the Amildar under the Act shall bear a Court Fee Stamp of one rupee and every memorandum of appeal or application made to the Assistant Commissioner or the Deputy Commissioner shall bear a Court Fee Stamp of rupees two and three, respectively.

Court Fees.

(2) Every revision application made to the Government under the Act shall bear a Court Fee Stamp of rupees five.

FORM No. I.

(See Rule 4.)

Form of application for commutation of rent in terms of service into cash under Section 9.

To

The Amildar of.....Taluk.

Name of the Applicant :—

Age Profession Place of residence.

Name of the opponent :—

Age Profession Place of residence.

Sir,

I am the landlord and the opponent is a tenant of the following lands :—

S. No.	Hissa No.	Area A. g.	Assessment	Village	Taluk

The rent of the land is as given below :—

Here give details of the rent including the details of the rent received in terms of service or labour).

I apply for commutation of the rent received in terms of service or labour into cash and for determination of the cash rent.

The extracts of the Record of Rights concerning the land are enclosed.

I also enclose the following documents :—

(Here give a list of the documents).

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them).

Yours faithfully,

Date *Signature of the Landlord.*

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FORM No. 11.

(See Rule 5.)

Form of application for determination of reasonable rent under Section 12.

To

The Amildar of.....Taluk.

Name of the applicant :—

Age Profession Place of residence.

Name of the opponent :—

Age Profession Place of residence.

Sir,

I am the landlord/tenant of the following land :—

S. No.	Hissa No.	Area A. g.	Assessment	Village	Taluk

Sri.....is the tenant/landlord of this land from the year.....

The present rent of the land is.....

The rent is not reasonable for the following reasons :—

(Here state the reasons)

I am prepared to accept/pay rent namely.....as reasonable rent of the land. I request you to determine the same under Section 12 of the Mysore Tenancy Act, 1952.

The extracts of the Record of Rights concerning the land are enclosed.

I also enclose the following documents. (Here give a list of the documents).

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them).

Yours faithfully,

Date *Signature of the Landlord/Tenant.*

FORM No. III.

(See Rule 7.)

Form of Certificate under Section 19 (3).

Whereas Sri/Sm.....is in occupation of the site.....specified below belonging to Sri/Sm. ..... and whereas under the provisions of sub-section (3) of Section 19 of the Mysore Tenancy Act, 1952. Sri/Sm. ..... was required to deposit and has deposited Rs.....(in words) for the transfer of the said site to him ; it is hereby certified that the said site shall be deemed to have been transferred to Sri/Sm. ....under the provisions of sub-section (3) of Section 19 of the said Act.

Description of Site.

District	Taluk	Village	Survey No. or Khaneshumari No.	Hissa No.	Area	Boundaries

Signature,

Place.....

Amildar.....

Date.....

Taluk.....

FORM No. IV. ce 1

(*See Rule* 8.)

Form of Certificate under Section 22 (3).

Whereas Sri/Sm.....is the protected tenant of the land specified below belonging to the landlord Sri/Sm. .....and whereas under the provisions of sub-section 3 of Section 22 of Mysore Tenancy Act, 1952, the tenant Sri/Sm. .....was required to deposit and has deposited Rs.. .....(in words) as price of the said land. It is hereby certified that the said protected tenant Sri/Sm. ....shall be deemed to be the purchaser of the said land under the provision of sub-section (3) of Section 22 of the said Act.

District	Taluks	Village	S. No.	Hissa No.	Area	Assessment	Boundaries

Place

Signature,

Date

Amildar.....Taluk.

COUNTERFOIL.

FORM No. V.

(See Rule 9).

Form of Receipt.

District	Taluks	Villages	Survey Number	Hissa Number	Area	Name of the field, if any	Name of tenant	Rent agreed upon (if crop share, rent according to appraisement) for the year	Rent actually recovered in cash or kind	Total rent in cash or kind recovered during the current year
1	2	3	4	5	6	7	8	9	10	11
								For the current year. For arrears.		

Received to-day the rent specified in Column 10 from Sri.....

Signature of landlord or his authorised agent.

Signature or thumb mark of tenant or his authorised agent.

Date.....

FORM No. V.

(See Rule 9).

Form of Receipt.

District	Taluks	Villages	Survey Number	Hissa Number	Area	Name of the field, if any	Name of tenant	Rent agreed upon (if crop share, rent according to appraisement) for the year	Rent actually recovered in cash or kind	Total rent in cash or kind recovered during the current year
1	2	3	4	5	6	7	8	9	10	11
								For the current year. For arrears.		

Received to-day the rent specified in Column 10 from Sri.....

Signature of landlord or his authorised agent.

Date.....

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FORM No. VI.

(See Rule 10.)

Form of application for possession under Section 29.

To

The Amildar,

.....Taluk.

Name of the applicant.....

Age.....Profession.....Place of residence .....

Name of opponent.....

Age.....Profession.....Place of residence.....

Sir,

I do hereby state that I am entitled to the possession of the property, namely :—

Name of village	S. No.	Hissa No.	Area A. g.	Assessment	Name of Landlord

In the following circumstances :—

(Here state the circumstances in full).

The property is at present in the possession of the opponent. I apply that possession of the property be handed over to me at an early date.

The extracts of Record of Rights concerning the land are enclosed.

I also enclose the following documents :—

(Here give a list of the documents).

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them).

Yours faithfully,

Date.....

Signature of the applicant,

FORM No. VII.

(See Rule 11.)

(Form of application for recovery of rent).

To

The Amildar,

....Taluk.

1.	Name of applicant and father's name.	Name of applicant or tenant and his father's name.
2.	Age.	Age.
3.	Profession.	Profession.
4.	Place of residence.	Place of residence.

Sir,

I am the landlord of the land described balow :--

Taluk	Village	Khate number and name of Khatedar	S. No. and Sub-number	Area	Assessment

The opponent is a tenant and a rent of Rs.....(if in cash/ .....pallas or maunds (if in kind) is payable by him to me annually and he has not paid this rent for the following years :—

(Here state the yearwar details and the amount due for each year.)

I request that the rent due to me as above may be recovered under Section 30(3) of the Act and paid to me.

I herein enclose an extract of the Index of Land Records in respect of the above land and also the following documents in support of the rate and amount of rent due to me for recovery of which I have applied now.

(Herein enter the details of the documents).

Yours faithfully,

Date

Signature.

FORM No. VIII.

(*Rule 12.*)

(Form of application under Section 33 of the Act).

To

The Amildar,

..... Taluk.

---

1. Name of applicant and father's name.	Name of opponent and father's name.
2. Age.	Age.
3. Profession.	Profession.
4. Place of residence.	Place of residence.

Sir,

I am the landlord/tenant of the land described blow ;—

Taluk	Village	Khate number and Name of Khatedar	S. No. and Sub-number	Area	Assessment

The opponent is a tenant/landlord and a rent of Rs..... (if in cash) or maunds or pallas (if in kind) is payable to me/by me annually.

(Herein state a brief history of the case, the relief prayed for and section of the Act under which the relief is claimed.

I herein enclose the following documents in support of my claims as set out in the above. (Herein enter the details of documents).

The following persons may be examined as witnesses for me.

(Herein enter the names and addresses of such witnesses).

Yours faithfully,

Date *Signature of the Landlord/Tenant.*

FORM No. IX.

(See Rule 6.)

(Form of notice to the tenant by a landlord intimating his desire to terminate the tenancy).

(Herein give the details of name and address of the tenant).

Please take notice that I am entitled to terminate the tenancy of the land described below for the reasons stated herein under section 16 (1) and 2 of the Mysore Tenancy Act and I shall proceed to take action in furtherance thereof after a period of not less than one year from the date of this notice, expiring with the end of the year.

(Herein give the reasons).

Signature of the Landlord with address.

Taluk

Village

Khate No. and Name of the Khatedar

Survey No. and Sub-number

Area

Assessment

THE SCHEDULE.

See Rule 7 (2) and 8 (2).

Value determined.	*Scale of Fees.*
When the value of the site or land does not exceed Rs. 1,000.	2½ per cent of the value subject to a minimum of Rs. 2.
When the value of the site or land exceeds Rs. 1,000, but does not exceed Rs. 5,000.	For the first Rs. 1,000, 2½ per cent. For the amount in excess of Rs. 1,000, one per cent.
When the value of the site or land exceeds Rs. 5,000.	For the first Rs. 1,000, 2½ per cent. For the amount in excess of Rs. 1,000 and up to Rs. 5,000, 1 per cent. For the amount in excess of Rs. 5,000, half per cent.

Note.—Any fraction of a hundred rupees not less than Rs. 51 shall be treated as one hundred rupees and any such fraction less than Rs. 51 shall be ignored for calculating the percentage of the value.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,

Secretary to Government,
Home and Revenue Departments.

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NOTIFICATION.
(HOME DEPARTMENT)

No. H.A. 5627—Pol. 169-52-7, Bangalore, dated 14th October 1952.

exercise of the powers conferred by Section 11 of the Mysore ourses Licensing Act, 1952 (Mysore Act No. VII of 1952), the ment of Mysore is pleased to make the following Rules :—

These Rules may be called the MYSORE RACE-COURSES NSING RULES, 1952.

In these Rules,—

(i) the "Act" means the MYSORE RACE-COURSES LICENSING ACT, 1952 (Mysore Act No. VII of 1952).

(ii) "District Magistrate", "Superintendent of Police", "Inspector of Police" shall have the meanings respectively assigned to them in the Mysore Police Act, 1908.

(iii) "Form" means a form annexed to these rules.

(iv) All other words and expressions shall have the meanings assigned to them in the Act.

An application for a licence for horse-racing on any race- shall be made to the Secretary to the Government of Mysore, and Revenue Departments, in Form I and shall be accom- d by,—

(*a*) a description, illustrated by a plan in quadruplicate, ng the situation, boundaries and area of the land in respect of a licence is required;

(*b*) complete plans, elevations and sections, in quadruplicate buildings on the land ;

(*c*) a statement showing the previous experience of the appli- the conduct and management of horse-racing and such other

particulars as may be necessary to satisfy the Government o applicant's financial and technical competence to hold the licenc

(*d*) a Government treasury receipt in token of having cre the prescribed licence fee.

4. On receipt of the application, the receiving officer give to the applicant an acknowledgment stating the date of rece

5. The Government may call for a report from such auth as it thinks fit and after such enquiry as it deems fit, if satisfi the desirability of granting a licence, grant such licence in Form

6. Every licence granted under these rules shall be vali the year ending with the 31st of March and may be renewe further periods of one year each by application made in writi the Secretary to the Government of Mysore, Home and Rev Departments, not later than three months before the expiry o licence.

7. The fee for the grant or renewal of a licence shall be a of THREE THOUSAND RUPEES (Rs. 3,000):

Provided that if the application for renewal is not made w the period specified in rule 6, the fee shall be a sum of THOUSAND RUPEES (Rs. 6,000).

8. Duplicate of a licence may be granted on payment of of FIFTY RUPEES (Rs. 50).

9. In case of refusal of the grant or renewal of a licence mation of the same shall be given to the applicant in writing the licence fee paid shall be refunded to the applicant.

10. (1) The Government may, after notice to the licensee after such enquiry, as it thinks fit, suspend or cancel the licenc breach of any of the conditions of the licence or for the contra tion of any of the provisions of the Act or of these rules.

(2) The suspension or cancellation of a licence under sub (1) shall not entitle the licensee to the refund of the licence fe any portion thereof or to any other claim against Government.

11. The licence shall be produced on demand by the Di Magistrate or any Police Officer of and above the rank of an In tor of Police, authorised in this behalf by the District Magistrat

12. The District Magistrate or any Police Officer of and a the rank of a District Superintendent of Police shall have acce the licenced race-course at all reasonable times for the purpo satisfying himself that the conditions of the licence are observed.

FORM I.

(*See* **Rule 3**).

Application for Horse-Racing Licence.

1. Name of applicant (and if an individual, his profession, residence and nationality); and if a company, association, syndicate, partnership or private firm, the nature and place of business.	
2. If the applicant is not the owner of the race-course, the name and address of the owner.	
3. Whether the applicant is authorised to conduct horse-racing by any Turf Club and if so, the name of the said Turf Club.	
4. Whether the documents and particulars specified in Rule 3 are annexed to the application.	

Signature of Applicant(s).

I/We hereby declare that the particulars furnished in this application are true and correct and in the event of any of the particulars being found to be false, the licence may be refused or, if issued, cancelled and the licence fee forfeited.

I/We agree to comply with the provisions of the Mysore Race-Courses Licensing Act, 1952, the rules made thereunder and the conditions of the licence as in force from time to time.

Signature of the Applicant(s).

FORM II.

(*See* **rule 5**).

Licence for Horse-Racing on a Race-Course.

Name of licensee	
Situation of the race-course ...	
Period for which the licence is to be in force.	

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CONDITIONS OF LICENCE.

The licence is granted subject to the provisions of the Mysore Race Courses Licensing Act, 1952, and the rules made thereunder. It is also subject to the following conditions.

1. The licensee shall keep and maintain correct accounts of the receipts and payments, the number of persons employed by the licensee, and shall allow any officer authorised by the Government in that behalf to examine at any time any accounts, books and records maintained by it and shall furnish the Government such information and returns as it may require. The licensee shall also furnish such returns as are required by the Betting Tax Act, 1932, and the rules made thereunder.

2. The licensee shall include as Stewards and if the licensee is a company or other body of individuals, also as members of the Managing Committee, such number of persons as the Government may nominate from time to time.

3. The licensee shall always maintain in proper working condition the race course, the buildings and other structures thereon.

4. The licensee is authorised to grant permits to bookmakers not exceeding..... .....subject to the following conditions :—

(a) Each bookmaker shall give a cash security of not less than Rs. 2,000 to the licensee for proper accounting and payment of betting tax.

(b) No person adjudged an insolvent shall be granted a permit.

(c) The bookmaker shall keep and maintain correct accounts of his receipts and payments and shall furnish to the licensee daily statements of the bets received, the amounts paid and the amount payable as be ting tax.

5. Licensee shall furnish to Government, and to the District Magistrate concerned annually in April of every year the programme of races proposed to be run, from 1st April to 31st March, stake money for various races, particulars of stakes reserved for Indian breed and other horses, names and nationality of jockeys taking part in the races, names of bookmakers licensed by them for various race meetings and their nationality, entrance fee proposed to be collected from race goers, for entering horses for racing and permit fee proposed to be recovered from the bookmakers.

6. The licensee shall in April of every year submit to the District Magistrate concerned and to Government a certified balance sheet showing the receipts and expenditure and profit and assets and liabilities and shall also report as to how the profit if any made will be utilised.

7. The licensee shall frame rules for regulating admission of the public to race course, entry of horses for races. qualifications for jockeys, qualifications for bookmakers, security to be furnished by bookmakers, permit fees to be paid by jockeys and bookmakers and such other ancillary matters relavant to the racing and shall also conform to such directions as may be given by Government from time to time in the matter of horse racing. A copy of the rules framed under this rule will be enclosed with application for licence. Changes in the rules made during the currency of the licence should also be submitted to Government as soon as practicable.

8. The licensee shall take necessary police help for the regulation of traffic and for maintenance of public order during the running of the races. The licensee shall further make at the race course sanitary arrangements to the satisfaction of the local Health authorities.

9. The licensee shall not admit to the stands more number of spectators than what the Executive Engineer of the Mysore Public Works Department having jurisdiction certifies as safe for the structure to carry. The Executive Engineer will issue a certificate annually free of charge regarding the condition of the structure of the stands where the public will be admitted fixing the maximum number of persons who can be admitted to such stands for the purposes of seeing races. A certified copy of the certificate shall be attached by the licensee to his application for the grant or renewal of the licence.

10. The licensee shall in the month of April during the currency of the licence furnish to Government and to District Magistrate, a report showing the particulars of races run, number of horses which participated in each race, races reserved for Indian bred horses, stakes for each race, names and nationality of the jockeys and bookmakers taking part total collections on account of entrance fee, total collections at the totalisators, betting tax realised and such other matters about which information may be called for.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,
Secretary to Government,
Revenue and Home Departments.

NOTIFICATION.

No. T. 2320—R.T. 15-52-8, dated Bangalore, 14th October 1952.

In exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, (Mysore Act No. XII of 1951), the Government of Mysore is pleased to order the reduction of the quarterly Service tax payable to Rs. 75 per vehicle per quarter in respect of the two Contract Carriages—My 4451 X and My 3516 X belonging to Messrs. Air Service Training Limited, Indian Air Force Technical College, Jalahally, used solely for conveying the personnel and employees of the Air Service Training Limited between Bangalore and Jalahally.

By Order of His Highness the Maharaja,

R. J. REGO,
Secretary to Government,
Development Department.

NOTIFICATION.

No L S. 3647—700 L.W. 170-51-6, Bangalore, dated 6th October 1952.

In continuation of notification No. L.S. 2316-400—L.W. 170-51-2, dated the 9th August 1952, constituting the Mysore Labour Housing Corporation under the Mysore Labour Housing Act, Government are pleased to appoint Mr. J. K. Lindsay, Managing Director, John Taylor & Sons (India) Ltd., as a representative of the Kolar Gold Fields Mining Board, on the Mysore Labour Housing Corporation.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3980—L.W. 234-52-6, dated Bangalore, 15th October 1952.

Whereas the Government of Mysore are satisfied that the occupations specified hereunder are hazardous occupations;

And whereas it is intended to add, after a period of three months from the date of publication of this Notification in the *Mysore Gazette*, the classes of persons employed in the occupations specified hereunder to the classes of persons specified in Schedule II to the Workmen's Compensation Act, 1923 (Central Act No. VIII of 1923);

Now, therefore, notice of such intention is hereby given as required by sub-section (3) of Section 2 of the said Act:—

"(1) employed for the purpose of loading or unloading any mechanically propelled vehicle, or in the handling or transport of goods which have been loaded into mechanically propelled vehicles.

(ii) employed in any occupation ordinarily involving outdoor work by any Municipality or by any District Board."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3987—L.W. 39-52-13, Bangalore, dated 18th October 1952.

In exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct that the following amendments shall be made to the Industrial Disputes (Mysore) Rules, 1951, the draft of the same having been published in Part IV, Section II-C of the *Mysore Gazette*, dated the 31st July 1952, in Notification No. L.S. 2080/L.W. 39-52-7, dated 26th July 1952, as required by sub-section (1) of the said section.

Draft Amendment.

1. In the said Rules in Rule 2, after clause (*g*) the following clause shall be inserted, *viz.*,

"(*h*) with reference to clause (*g*) of section 2 of the Act it is hereby prescribed that, in relation to an industry carried on by or under the authority of a Department of the State Government, the officer-in-charge of the industrial establishment shall be the employer in respect of that establishment".

2. After Rule 29, the following Rule shall be inserted namely:—

"29A *Form of authority under section 36* :—The authority in favour of a person to represent a workman or an employer in any proceedings under the Act shall be in Form CC".

3. To Rule 34 the following further proviso shall be added, namely,—

"Provided that where a registered Trade Union neglects or fails to furnish the information called for under Rule 33, within one month of the date of the notice requiring it to furnish such information, the members of such Union shall for purposes of this rule be treated as on-members".

4. In Rule 41, after sub-rule (4) the following sub-rule shall be added, *viz.*,

"(5) Every Workman entitled to vote at an electroral constituency shall have as many votes as there are seats to be filled in the constituency".

5. In Rule 43:—

(*a*) For sub-rule (1) the following sub-rule shall be substituted, *viz.*,

"(1) The Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint-Secretary.

Such office-bearers shall be nominated or elected, as the case may be every year".,

(*b*) For sub-rule (4), the following sub-rule shall be substituted, *viz.*,

"(4) The Committee shall elect the Secretary and the Joint-Secretary provided that where the Secretary is elected from among the representatives of the employers, the Joint-Secretary shall be elected from among the representatives of the workmen and *vice versa*:

Provided further that the post of the Secretary and the Joint-Secretary, as the case may be shall not be held by a representative of the employer or the workmen for two consecutive years".

6. After Rule 49, the following Rule shall be inserted namely.—

"49A *Complaints regarding change of conditions of service, etc.*—Every complaint under Section 33A of the Act shall be presented in triplicate in Form DD and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint".

7. For sub-rule (2) of Rule 50, the following sub-rule shall be substituted, *viz.*,

"(2) On receipt of a notice of a strike under sub-rule (1) the employer shall forthwith intimate the fact to the conciliation officer having jurisdiction in the matter".

8. In the Schedule.—

(*a*) After Form C, the following form shall be inserted namely.—

FORM CC.

[SEE RULE 29 A].

Before.....(Here mention the authority concerned).

Reference No.....of.....

.....workmen

.....versus.....

.....Employer

in the matter of.....

I/we hereby authorise Sri.....

to represent me/us in the above matter.

Date this.....day of.....195 .

Accepted.

(Signature) (Signature)

Address. Address.

(*b*) After form D the following form shall be inserted, *viz.*

FORM DD.

[SEE RULE 49 A].

Before the Industrial Tribunal.....Complaint under Section 33 A of the Industrial Disputes Act, 1947.

A. .....Complaint(s)
Address:

Versus.

B. .....[Opposite party (party (ies)].
Address:

In the matter of Reference No.....
The petitioner(s) beg(s) to complain that the opposite party(ies) has/have been guilty of a contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) as shown below:—

(here set out in short paragraphs particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or the act of the Management is challenged).

The complaint(s) accordingly pray(s) that the Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexures required by Rule 49 A of the Industrial Disputes (Mysore) Rules, 1951 are submitted herewith.

Dated this.....day of 195 .

(Signature).

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. S.D. 4678—C. 86-51-76, dated Bangalore, 15th October 1952.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act No. XXIV of 1946), read with the Government of India, Ministry of Food Notification No. S.R.O. 703, dated 4th October 1950, as amended by Notification No. C.G. 603 (3)—XXI (L), dated 21st July 1951 and with the previous concurrence of the Central Government, His Highness the Maharaja of Mysore is pleased to direct that the foodgrains specified in the first column of the Table annexed hereto shall not be sold at a price exceeding the price specified in the second column thereof, with effect from the dates noted against each :—

TABLE.

"Jeerigesamba" Rice ...	One Rupee per seer ...	With effect from 21st April 1952.
Long Wheat ...	One Rupee per seer ...	
Long Wheat ...	Re. 0-12-6 per seer (Twelve annas six pies per seer)	With effect from 20th August 1952.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, WEDNESDAY, OCTOBER 22, 1952

NOTIFICATION.

No 1831—L.C. Bangalore, dated 21st October 1952.

The Mysore Legislative Council having adopted a motion on the 20th October 1952 that the Rules of Procedure and Conduct of Business in the Mysore Legislative Council adopted by the Council should come into force at once, the said Rules of Procedure and Conduct of Business in the Mysore Legislative Council are hereby published.

By Order of the Chairman,

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

(Pages 1 to 72)

RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE MYSORE LEGISLATIVE COUNCIL.

CHAPTER I

Short Title and Definitions.

1. These rules may be called "the Rules of Procedure and Conduct of Business in the Mysore Legislative Council." Short title.

2. (1) In these rules unless the context otherwise requires— Definitions.

"Assembly" means the Legislative Assembly of Mysore;

"Clear days" includes Sundays and holidays;

"The Constitution" means the Constitution of India;

"Council" means the Legislative Council of Mysore;

"Finance Minister" means the Minister appointed by His Highness the Maharaja to be in charge of the Finance Department or any other Minister to whom he may delegate these functions for purposes of these rules;

"Gazette" means the *Mysore Gazette*;

"Member" means a member of the Council;

"Member in charge of the Bill" means in the case of a Government Bill any Minister and in any other case the member who has introduced the Bill or where the Bill is one which was introduced in the Assembly and received in the Council, the member who has given notice of his intention to move that the Bill be taken into consideration;

"Minister" means a member of the Council of Ministers and includes any member to whom such Minister may delegate any functions assigned to him under these rules;

"Secretary" means the Secretary to the Council and includes any person for the time being performing the duties of the Secretary.

(2) The words and expressions used in the Constitution and not defined in these rules shall have the meanings assigned to them in the Constitution.

CHAPTER II

Summons to Members.

Summons to members.

3. The Secretary shall issue summons to each member specifying the date and place appointed by His Highness the Maharaja under article 174 of the Constitution for a session of the Council.

CHAPTER III

Election of Chairman and Deputy Chairman and Panel of Chairmen.

Election of Chairman by the Council.

4. (1) The election of a Chairman shall be held on such date as His Highness the Maharaja may fix, and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing addressed to the Secretary of a motion that another member be chosen as the Chairman and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Chairman if elected:

Provided that a member shall not propose his own name or second a motion proposing his own name, or propose or second more than one motion.

(3) A member in whose name a motion stands in the list of business may when called, move the motion or withdraw the motion, in which case he shall confine himself to a mere statement to that effect.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided if necessary by division. If any motion is carried the person presiding shall, without

putting later motions, declare that the member proposed in the motion which has been carried has been chosen as the Chairman.

5. (1) The election of a Deputy Chairman shall be held on such date as the Chairman may fix and the Secretary shall thereupon send to every member notice of the date so fixed. Election of Deputy Chairman by the Council.

(2) The provisions of sub-rules 2 to 4, both inclusive, of the last preceding rule shall apply to such election.

6. At the commencement of every session, the Chairman shall nominate from amongst the members of the Council a panel of not more than four Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and the Deputy Chairman, when so requested by the Chairman, or in his absence, by the Deputy Chairman. If no such person is present, the Council may, if there is a quorum, by motion elect one of its members present to preside over the Council. Panel of Vice-Chairmen.

7. The Deputy Chairman and any member of the Council shall, when presiding over the Council, have the same powers as the Chairman when so presiding, and all references to the Chairman in these rules shall, in these circumstances, be deemed to be references to any such person so presiding. Power of persons presiding.

CHAPTER IV

Meetings of the Council and Prorogation.

8. The meetings of the Council shall, subject to the direction of the Chairman, ordinarily commence at 12 NOON and ordinarily terminate at 5 P.M. Commencement of meeting.

9. The Council shall sit on such days as the Chairman having regard to the state of business of the Council, may from time to time direct. Sittings of the Council.

10. (1) At the beginning of each meeting the Chairman shall call upon new members desirous of taking their seats to do so. Swearing in before taking seat.

(2) The Secretary shall then call the name of any new member desirous of taking his seat and such member, after taking the oath or making the affirmation in the manner prescribed in the Constitution, shall take his appointed seat.

Seating of members.

11. The members shall sit in such order as the Chairman may determine.

Secretary's report.

12. At the commencement of every session and after the new members, if any, have taken their seats, the Secretary shall lay on the table of the Council, a list of Acts which have received the assent of His Highness the Maharaja or the President.

Prorogation of Council.

Lapse of pending notices on prorogation of Council.

13. (*a*) A session of the Council is terminated by prorogation.

(*b*) On the prorogation of a session, all pending notices other than notices of intention to move for leave to introduce a Bill shall lapse, and fresh notice must be given for the next session.

(*c*) Bills which have been introduced shall be carried over to the pending list of business of the next session :

Provided that, if the member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse, unless the Council on a motion by that member in the next session, makes a special order for the continuance of the Bill.

CHAPTER V

Address by His Highness the Maharaja.

Address by His Highness the Maharaja.

14. (1) On the day appointed by His Highness the Maharaja at the commencement of the first session after each general election to the Legislative Assembly being a day subsequent to the date of election of the Chairman

and Speaker and at the commencement of the first session of each year, His Highness shall address both Houses assembled together and inform the Legislature of the causes of their summons, as required by article 176 of the Constitution.

(2) The Chairman shall report to the Council as soon thereafter as may be convenient that His Highness the Maharaja was pleased to address the Legislature and place a copy of it on the Table of the House.

(3) The Leader of the House or any other member authorised by him may then move that an Address be presented to His Highness the Maharaja expressing the thanks of the Council for his speech.

(4) Any member may, before such time as may be fixed by the Chairman, give notice of amendments to such a motion by way of adding additional words at the end of the Address but not otherwise.

(5) The debate on the Address shall take place on such day or days as the Chairman, in consultation with the Leader of the House, shall fix for this purpose.

(6) Notwithstanding that a day has been allotted for discussion on the Address of His Highness the Maharaja,—

(*a*) A motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day, and

(*b*) Other business of a formal character may be transacted on such day before the House commences or continues the discussion on the Address.

(7) The discussion on the Address may be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the Address be adjourned to a subsequent day to be appointed by the Chairman. The Chairman shall forthwith put the question, no amendment or debate being allowed.

(8) The discussion on the Address shall be interrupted in the course of a sitting by an adjournment motion under rule 43.

(9) The Address having been adopted with or without amendment shall be presented to His Highness the Maharaja by the Chairman.

(10) The Chairman shall report to the Council His Highness the Maharaja's reply to the Address.

Address by His Highness the Maharaja under article 175 (1) of the Constitution.

15. The Chairman may allot time for the discussion of the matters referred to in His Highness the Maharaja's Address under article 175 (1) of the Constitution.

Messages by His Highness the Maharaja.

16. When a message from His Highness the Maharaja under article 175 (2) of the Constitution is received by the Chairman, he shall read the message to the Council and give necessary directions in regard to the procedure that shall be followed for the consideration of matters referred to in the message. In giving these directions, the Chairman may suspend or vary the rules to such extent as it may be necessary for him to do so.

Address on prorogation of Council.

17. When His Highness the Maharaja prorogues the Council he may address the Council, but there shall be no discussion on such Address.

CHAPTER VI

Arrangement of Business.

Arrangement of Government business.

18. On days allotted for the transaction of Government business that business shall have precedence and the Secretary shall arrange that business in such order as the Chairman in consultation with the Leader of the House may determine.

Allotment of time for non-official business.

19. The Chairman, after considering the state of business of the Council, may allot so many days as may in his opinion be possible, compatibly with the

public interest for non-official business and may allot different days for the disposal of different classes of such business; and on days so allotted for any particular class of business, business of that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Leader of the House:

Provided that on a motion made by a Minister for the suspension of this rule the Council may resolve to transact Government business on a day allotted for non-official business, in which case the time so used shall be made available for the transaction of non-official business on such other day allotted for Government business as the Chairman in consultation with the Leader of the House may determine.

Precedence of non-official members' Bills.

20. (1) The relative precedence of notices of intention to move for leave to introduce Bills (including similar notices carried over from previous sessions under rule 13 (*b*) given by non-official members) shall be determined by ballot.

(2) Bills, which have been already introduced by non-official members and for which notices, if any, required by the rules are given, shall be arranged in such order as to give priority to the Bills most advanced, that is to say, in the following order:—

(i) Bills returned by His Highness the Maharaja with a message under article 200 of the Constitution;

(ii) Bills which have been passed by the council and returned by the Assembly with amendments;

(iii) Bills which have been passed by the Assembly and transmitted to the Council;

(iv) Bills in respect of which the report of a Joint or Select Committee has been presented;

(v) Bills in respect of which a motion has been carried that the Bill be taken into consideration;

(vi) Bills which have been circulated for the purpose of eliciting public opinion ;

(vii) Bills introduced and in respect of which no further motion has been made or carried ;

(viii) Bills in respect of which the motion is that leave be granted to introduce the Bill :

Provided that the relative precedence of Bills falling within the same category shall be determined according to the priority of their introduction in the Council.

Precedence of non-official members' resolutions.

21. (1) A separate ballot shall be held to determine the relative precedence of non-official resolutions which have been admitted.

(2) The ballot referred to in sub-rule (1) of rule 20 and sub-rule (1) of rule 21 shall take place in accordance with the procedure set out in Schedule II :

Provided that the Chairman may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.

Resolution of congratulation or condolence.

22. A resolution of congratulation or condolence may, with the permission of the Chairman and subject to the provisions regulating the discussion of resolutions, be moved at any time.

22A. A member or a Minister with the permission of the Chairman may make a reference of congratulation or of condolence, and the House may approve the reference without, a formal Resolution duly placed before the House.

List of business.

23. (1) A provisional programme of business for a session together with a copy each of the admitted list of questions and balloted resolutions, shall whenever possible be sent to every member at least one week before the commencement of the session.

(2) A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member the previous day :

Provided that the Chairman may suspend the operation of this rule in respect of any particular day or days.

(3) Save as otherwise provided in the rules, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the Chairman.

(4) Save as otherwise provided in the rules, no business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires.

CHAPTER VII

Questions

24. Unless the Chairman otherwise directs the first hour of every day of meeting shall be available for the asking and answering of questions. Time for questions.

25. A member who wishes to ask a question shall give notice at least fifteen clear days before the commencement of the session at which he desires to put the question and shall together with the notice submit a copy of the question he wishes to ask: Notice of questions.

Provided that no member shall unless he has obtained the special permission of the Chairman be permitted to send in notice for one session of more than four starred and six unstarred questions.

26. Any member who desires an oral answer to his question must, at the time of giving notice thereof, distinguish it by an asterisk. All such starred questions put in the Council shall be answered orally. Procedure about asking starred questions.

27. A question in respect of which the member concerned does not expect to put supplementary questions should not be starred. Questions, not starred, will not Unstarred questions.

be called in the Council, but they will be printed with their answers and placed on the table. Oral supplementary questions cannot be asked as regards answers given to unstarred questions.

Conditions of admissibility of questions.

28. (1) Subject to the provisions of these rules a question may be asked for the purpose of obtaining information on a matter of public interest.

(2) The right to ask a question is governed by the following conditions :—

(*a*) it shall relate to a single matter ;

(*b*) it shall be so framed as to be merely a request for information ;

(*c*) it shall not be vague or unintelligible ;

(*d*) it shall not bring in any name or statement not strictly necessary to make the question intelligible ;

(*e*) if it contains a statement the member shall make himself responsible for the accuracy of the statement ;

(*f*) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements ;

(*g*) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition ;

(*h*) it shall not ask as to the character or conduct of any person except in his official or public capacity ;

(*i*) it shall not be of excessive length ;

(*j*) it shall not relate to a matter which is not the concern of the Government ;

(*k*) it shall not ask about proceedings in a committee of the Council which have not been placed before the Council by a report from the Committee ;

(*l*) it shall not make or imply a charge of a personal character ;

(*m*) it may ask for an explanation of the intentions of the Government in respect of a matter of immediate concern, provided that the question is not in substance a suggestion for any particular action in a matter raised by the member asking the question ;

(*n*) it shall not repeat in substance questions which have been disallowed or in respect

of which answers have been furnished at the preceding session;

(o) it shall not ask for information on trivial matters; and

(p) it shall not ask for information on a matter which is under adjudication by a Court of Law having jurisdiction in any part of India.

Questions on matters of controversy between the Government, the Government of India or any other State Government.

29. In matters which are or have been the subject of controversy between the Government and the Government of India or the Government of any other State, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of fact.

Chairman to decide admissibility of questions.

30. The Chairman shall decide whether a question or a part thereof is or is not admissible under these rules and may disallow any question or a part thereof when in his opinion it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Council or is in contravention of these rules.

List of questions and answers.

31. (1) As soon as answers to questions for oral answers which have not been disallowed are received by the Secretary a list of questions and answers shall be prepared in such manner as the Chairman may determine and a copy thereof shall be made available for the use of every member not later than one hour before the meeting for which the list is prepared.

(2) As far as possible, replies to as many questions for oral answers for each day as would dispose of all the questions for oral answers during the session (the distribution among the several days of the meeting being equal) shall be sent by the Government to the Secretary at least 2 days before each day in respect of which the questions have to be included in the list of business.

Questions not taken up on any day.

32. The reply to any question for oral answer included in the list of questions for answer on any day and not called for answer within the time available for answer on that day shall be printed in the proceedings for that day, and such question shall not be taken up for reply on any subsequent day:

Provided that, if a session of the Council is continued beyond the date provisionally fixed at the commencement of the session for its termination the questions

included in the list of questions for oral answers for the last day of the session so provisionally fixed and not taken up for answer on that day may be taken up for answer on the subsequent day or days of the session.

Mode of asking questions.

33. (1) When the time for asking questions for oral answers arrives, the Chairman shall call successively each member in whose name a question appears on the list of questions.

(2) The member when called shall rise in his place and unless he states that it is not his intention to ask the question standing in his name, he shall put the question by reference to its number on the list of questions.

(3) If on a question being called it is not put or the member in whose name it stands is absent, the Chairman, at the request of any member, may direct that the answer to it be given.

Questions of absent members

34. When all the questions for oral answers for which answers are desired have been called, the Chairman may, if time permits, call again any question which has not been put by reason of the absence of the member in whose name it stands, and may also permit a member to put a question standing in the name of another member, if so authorised by him.

Supplementary questions.

35. (1) No discussion shall be permitted during the time for questions under rule 24 in respect of any question or of any answer given to a question.

(2) Any member may, with the permission of the Chairman, put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the Chairman shall disallow any supplementary question if, in his opinion, it infringes the rules as to the questions or if a sufficient or reasonable number of supplementary questions has already been put in respect of the principal question.

Short notice questions.

36. (1) A question relating to a matter of public importance may be asked with shorter notice than fifteen clear days and if the Chairman is of opinion that the question is of an urgent character and is otherwise admissible under the rules, he may admit it with the consent of the Minister concerned.

(2) If the Minister concerned agrees to reply, such question shall be answered on a day to be indicated by him and shall be called immediately after the questions

which have appeared on the list of questions for answer have been disposed of.

(3) The member who has given notice of the question shall read the question when called by the Chairman and the Minister concerned shall give a reply immediately.

(4) In other respects the procedure for short notice questions shall be the same as for ordinary questions for answer, with such modifications as the Chairman may consider necessary or convenient.

Questions to non-official members.

37. A question may be addressed by a member to a non-official member provided that the subject matter of the question relates to some Bill, resolution or other matter connected with the business of the Council for which that member is responsible and the procedure in regard to such question shall, as far as may be, be the same as that followed in the case of questions addressed to the Government with such variations as the Chairman may consider necessary or convenient.

Minister or non-official member may decline to answer supplementary question without notice.

38. The minister or non-official member to whom a supplementary question is addressed may decline to answer it without notice, in which case, the supplementary question may be put only in the form of a fresh question at a subsequent session of the Council.

Answer to question on the ground of public interest.

39. The Chairman, at the request of a Minister, may direct that an answer to a question which has been called may be given on the ground of public interest, even though the question is not put or the member in whose name it stands is absent.

Amending questions to secure their compliance with rules.

40. Where the form or the subject matter of a question is, in the opinion of the Chairman, in contravention of the rules, he may amend the question to secure its compliance with the rules and inform the member concerned accordingly.

Discussion on a matter of public importance arising out of answers to questions.

41. (1) The Chairman may allot half an hour from 5 P.M. to 5-50 P.M. on two days in a week, namely, Wednesday and Friday at the conclusion of the business of the day, for raising discussion on a matter of sufficient public importance which has been the subject of a question in the Council, irrespective of the fact whether the question was answered on the floor of the Council or the answer was printed in the proceedings for that day:

Provided that if the other business set down for the day is concluded before 5 P.M., the period of half an hour shall commence from the time such other business is concluded:

Provided further that the Chairman may allot any day instead of Wednesday or Friday if such a course is, in his opinion, necessary or convenient.

(2) A member wishing to raise a matter shall give notice in writing to the Secretary one day in advance of the day on which the matter is desired to be raised, and shall briefly specify the point or points that he wishes to raise:

Provided that the notice shall be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question:

Provided further that the notice shall be supported by the signature of at least another member.

(3) The Chairman shall decide whether the matter is of sufficient public importance to be put down for discussion.

(4) If more than one notice has been received and admitted, the Chairman shall determine which of the notices shall be put down for discussion on that particular day:

Provided that if any matter put down for discussion on a particular day is not disposed of on that day it shall not be set down for any further day.

(5) There shall be no formal motion before the Council nor voting. The member who has given notice may make a short statement and the Minister concerned shall reply briefly. Any member who has previously intimated to the Chairman may be permitted to put a question for the purpose of further elucidating any matter of fact.

CHAPTER VIII

Motion for Adjournment on a Matter of Public Importance.

Chairman's consent necessary to make motion.

42. Subject to the provisions of these rules, a motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Chairman.

Time for giving notice.

43. Notice of an adjournment motion shall be given to the Secretary two hours before the commencement of the sitting on the day on which the motion is proposed to be made.

44. The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :— Restrictions on right to make motion.

(a) not more than one such motion shall be made at the same sitting ;

(b) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence ;

(c) the motion must not revive discussion on a matter which has been discussed in the same session ;

(d) the motion must not anticipate a matter which has been previously appointed for consideration. In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Chairman to the probability of the matter anticipated being brought before the Council within a reasonable period of time ;

(e) the motion must not deal with a matter on which a resolution could not be moved ;

(f) the motion must not deal with any matter which is under adjudication by a Court of Law having jurisdiction in any part of India, and

(g) the motion shall not rise a question of privilege.

45. (1) The Chairman, if he gives consent under rule 42 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned who shall rise in his place and ask for leave to move the adjournment of the Council : Mode of asking for leave to move adjournment motion.

Provided that where the Cairman has refused his consent under the rule 42 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of motion and state the reasons for refusing consent or holding the motion as not being in order.

(2) If objection to leave being granted is taken, the Chairman shall request those members who are in favour of leave being granted to rise in their places, and

if not less than ten members rise accordingly, the Chairman shall intimate that leave is granted. If less than ten members rise, the Chairman shall inform the member that he has not the leave of the Council.

Time for taking up motion.

46. The motion shall be taken up at 4 P.M., or if the Chairman after consultation with the Leader of the House so directs, at any earlier hour at which the business of the day may terminate.

Limitation of time of discussion.

47. The debate on a motion to discuss a matter of urgent public importance if not earlier concluded shall automatically terminate at the end of two hours after the commencement of the debate and thereafter no question shall be put.

Question to be put at the end of debate.

48. On a motion to adjourn for the purpose of discussing a matter of urgent public importance, the only question that may be put shall be "That the House do now adjourn."

Time limit for speeches and regulation of discussion.

49. (1) No speech during the debate shall, except with the permission of the Chairman, exceed fifteen minutes in duration.

(2) Save as herein provided, the provisions regulating the discussion of resolutions shall apply to the discussion of such motion.

CHAPTER IX.

Legislation.

SECTION I—BILLS ORIGINATING IN THE COUNCIL.

Introduction and publication of Bills.

Publication before introduction.

50. The Chairman on a request being made to him may order the publication of any Bill (together with the Statement of Objects and Reasons and the financial memorandum, if any, accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

51. (1) Any member, other than a Minister, desiring to move for leave to introduce a Bill, shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and an explanatory Statement of Objects and Reasons which shall not contain arguments: Notice of motion for leave to introduce Bills.

Provided that the Chairman may, if he thinks fit, revise the Statement of Objects and Reasons.

(2) If the Bill is a Bill which under the Constitution cannot be introduced without previous sanction or recommendation, the member shall annex to the notice a copy of such sanction or recommendation and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be fifteen clear days before the commencement of the session at which the member desires to move for leave to introduce the Bill unless the Chairman allows the motion to be made at shorter notice.

(4) On the day on which the motion for leave to introduce a Bill is set down in the list of business, the member giving notice may move for leave to introduce the Bill.

52. (1) A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses relating thereto and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law. Financial memorandum to Bills and money clauses in Bills.

(2) Clauses or provisions in Bills involving expenditure from public funds shall be printed in thick type or in italics.

53. If a motion for leave to introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question: Motion for leave to introduce.

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the Council, the Chairman may permit a full discussion thereon.

54. As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette. Publication after introduction.

Motions after introduction of Bills.

Motions after introduction.

55. (1) When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

(i) that it be taken into consideration by the Council either at once or at some future day to be then specified; or

(ii) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for three days, before the day on which the motion is made, and such objection shall prevail, unless the Chairman allows the motion to be made.

(2) At this stage no amendments to the Bill may be moved, but if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) On the day on which any motion that the Bill be taken into consideration by the Council either at once or at some future day is moved, the principle of the Bill and its general provisions may be discussed, but the details of the Bill shall not be discussed, further than is necessary to explain its principles.

Motion for reference to Select or Joint Select Committee and effect of it.

56. (1) When a motion that a Bill be taken into consideration by the Council is passed, the member in charge or any other member may move that the Bill be referred to a Select or Joint Select Committee.

(2) If a motion that the Bill be referred to a Select Committee is negatived or if no such motion is made, the Chairman may proceed to submit the Bill or any part of the Bill to the Council clause by clause under rule 82.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is passed, and the Bill is circulated in accordance with that direction and opinions are received thereon, the member in charge, if he wishes to proceed with his Bill thereafter, shall move that the Bill be taken into consideration by the Council

and if such a motion is carried, the member shall further move that the Bill be referred to Select Committee unless the Chairman suspends this rule.

57. No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge. Persons by whom motions in respect of Bills may be made.

Select Committees on Bills.

58. (1) The member in charge of the Bill and the Minister for Law shall be members of every Select Committee, and it shall not be necessary to include their names in any motion for appointment of such a Committee. Composition of Select Committee.

(2) The other members of the Committee shall be appointed by the Council when a motion that the Bill be referred to a Select Committee is made, under sub-rule (1) of rule 56.

59. (1) The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee. Chairman of Select Committee.

(2) If the Chairman is for any reason unable to act, the Chairman may similarly appoint another Chairman in his place.

(3) If the Chairman is absent from any meeting, the Committee shall choose another member to act as Chairman for that meeting.

60. (1) The presence of a majority of the members of the Committee shall be necessary to constitute a meeting of the Committee. Quorum of Select Committee.

(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, there is no quorum, the Chairman of the Committee shall either suspend the meeting until there is a quorum or adjourn the Committee to some future day.

(3) Where the Select Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for meeting of the Committee, the Chairman shall report the fact to the Council.

61. In the case of equality of votes on any matter, the Chairman or other person presiding, shall have a second or casting vote. Casting vote of Chairman.

Meetings of Select Committee.

62. The first meeting of a Select Committee shall be held on such day and at such hour as the Chairman of the Committee may fix. Subsequent dates for meetings of the Committee will be fixed by the Committee itself:

Provided that if the Chairman is not readily available, the Secretary may, in consultation with the Minister whose department is concerned with the Bill, fix the date and time of the first meeting:

Provided further that where the Committee has not fixed a date for the next meeting, the Secretary may fix the date for the meeting in consultation with the Chairman.

Sittings of Select Committee.

63. A Select Committee may sit whilst the Council is sitting provided that on a division being called in the Council the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will in his opinion enable members to vote in the division.

Notice of amendments and procedure generally in Select Committee.

64. (1) If notice of a proposed amendment has not been given before the day on which the Bill is taken up by the Select Committee, any member may object to the moving of the amendment and such objection shall prevail unless the Chairman allows the amendment to be moved.

(2) In other respects, the procedure in a Select Committee shall, as far as practicable, be the same as is followed in the Council during consideration stage of a Bill, with such adaptations, whether by way of modification, addition or omission, as the Chairman of the Council may consider necessary or convenient.

Notice of amendments by members other than members of Select Committee.

65. When a Bill has been referred to a Select Commitee, any notice given by a member of any amendment to a clause in the Bill shall stand referred to the Committee provided that where notice of amendment is received from a member who is not a member of the Select Committee such amendment shall not be taken up by the Committee unless moved by a member of the Committee.

Power to take evidence or call for papers, records or documents.

66. (1) A Select Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties:

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman of the Council whose decision shall be final:

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provisions of this rule, a witness may be summoned by an order signed by the Chairman of the Council and shall produce such documents as are required for the use of the Committee.

(3) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before it.

Power of Chairman to give direction on a point of procedure or otherwise.

67. (1) The Chairman of the Council may from time to time issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organization of its work.

(2) If any doubt arises on any point of procedure or otherwise the Chairman may, if he thinks fit, refer the point to the Chairman of the Council whose decision shall be final.

Record of the decisions of a Select Committee.

68. A record of the decisions of a Select Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman of the Committee.

Report by Select Committee.

69. (1) As soon as may be after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time in accordance with rule 62 to consider the Bill and shall make a report thereon within the time fixed by the Council:

Provided that where the Council has not fixed any time for the presentation of the report, the report shall be presented before the expiry of three months from the date on which the Council adopted the motion for the reference of the Bill to the Select Committee or if a session of the Council is not held within three months, at the next session:

Provided further that the Council may at any time, on a motion being made, direct that the time for the presentation of the report by the Select Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The Select Committee shall in its report state whether the publication of the Bill directed by these rules has taken place, and the date on which the publication has taken place.

(4) Where a Bill has been altered the Select Committee may, if it thinks fit, include in its report a recommendation to the member in charge of the Bill that his next motion should be a motion for circulation, or, where the Bill has already been circulated, for re-circulation.

(5) If any member of a Select Committee desires to record a minute of dissent on any matters, he shall sign the report stating that he does so subject to his minute of dissent, and shall at the same time hand in his minute:

Provided that a member, if he so wishes, may hand in a complete minority report of his own or supported by such other members as are in agreement with him.

Presentation of report.

70. (1) The report of the Select Committee on a Bill shall be presented to the Council by the Chairman of the Committee or, in his absence, by any member of the Committee.

(2) In presenting a report the Chairman of the Council or, in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage.

Printing and publication of report.

71. The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report together with the amended Bill shall be made available for the use of every member of the Council. The report, with the amended Bill, shall be published in the Gazette.

Procedure after presentation of report of a Select Committee.

Motions that may be moved after presentation of the report of a Select Committee.

72. (1) After the presentation of the final report of a Select Committee on a Bill, the member in charge may move:—

(*a*) that the Bill as reported by the Select Committee be taken into consideration:

Provided that any member of the Council may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for three days, and such objection shall prevail, unless the Chairman allows the report to be taken into consideration; or

(*b*) that the Bill as reported by the Select Committee be re-committed either :—

(i) without limitation, or

(ii) with respect to particular clauses or amendments only, or

(iii) with instructions to the Select Committee to make some particular or an additional provision in the Bill ; or

(*c*) that the Bill as reported by the Select Committee be circulated or re-circulated, as the case may be, for the purpose of obtaining opinion or further opinion thereon.

(2) If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or be circulated or re-circulated for the purpose of obtaining opinion or further opinion thereon.

Scope of debate on report of Select Committee.

73. The debate on a motion that the Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

Amendments to clauses, etc., and consideration of Bills.

Proposal of amendments.

74. When a motion that a Bill be taken into consideration has been carried, any member when called upon by the Chairman may propose an amendment of the Bill.

Notice of amendments.

75. (1) If notice of a proposed amendment has not been given one clear day before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Chairman allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause every notice of a proposed amendment to be printed and a copy thereof to be made available for the use of every member.

Sanction to be annexed to notice of amendment.

76. If any member desires to move an amendment which under the Constitution cannot be moved without previous sanction or recommendation, he shall annex to the notice of the proposed amendment a copy of such sanction or recommendation and the notice shall not be valid until this requirement is complied with.

Conditions of admissibility of amendments.

77. The following conditions shall govern the admissibility of amendments :—

(a) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.

(b) An amendment shall not be inconsistent with any previous decision of the Council on the same question.

(c) An amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.

(d) If an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole:

Provided that in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of interdependent amendments.

(e) The Chairman shall determine the place in which an amendment shall be moved.

(f) The Chairman may refuse to propose an amendment which is, in his opinion, frivolous or meaningless.

(g) An amendment may be proposed to an amendment which has already been proposed by the Chairman.

Power of Chairman to select new clauses or amendments.

78. The Chairman shall have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

Arrangement of amendments.

79. Amendments of which notice has been given, shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment to be moved by the member in charge of the Bill. Subject as aforesaid, amendments may be arranged in the order in which notice of them is received.

80. Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a motion shall be deemed to have been made: Order of amendments.

"That this clause stand part of the Bill".

81. An amendment moved may, by leave of the Council, but not otherwise, be withdrawn, on the request of the member moving it. If an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of. Withdrawal of amendments.

82. Notwithstanding anything in these rules, the Chairman may, when a motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the Council clause by clause. The Chairman may call each clause separately, and when the amendments relating to it have been dealt with, shall put the question "That this clause (or, as the case may be, that this clause as amended) stand part of the Bill." Submission of a Bill clause by clause.

83. The Chairman may, if he thinks fit, postpone the consideration of a clause. Postponement of clause.

84. The consideration of the schedule or schedules, if any, shall follow the consideration of clauses. Schedules shall be put from the Chair, and may be amended, in the same manner as clauses and the consideration of new schedules shall follow the consideration of the original schedules. The question shall then be put: Schedule.

"That this schedule (or, as the case may be that this schedule as amended) stand part of the Bill."

85. Clause one, the preamble if any, and the title of a Bill shall stand postponed until the other clauses and schedules (including new clauses and new schedules) have been disposed of and the Chairman shall then put the question: Clause one, preamble and title of the Bill.

"That clause one, or the preamble or the title (or as the case may be, that clause one, preamble or title as amended) stand part of the Bill."

Passing, authentication and reconsideration of Bills.

86. (1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member in charge may at once move that the Bill be passed. Passing of a Bill.

(2) If any amendment of the Bill is made, any member may object to any motion being made on the same day that the Bill be passed and such objection shall prevail unless the Chairman allows the motion to be made.

(3) Where the objection prevails, a motion that the Bill be passed may be brought forward on any future day.

(4) To such a motion no amendment may be moved which is not either formal, verbal or consequential upon an amendment made after the Bill was taken into consideration.

Scope of debate on the motion to pass.

87. The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.

Authentication of a Bill.

88. When a Bill is passed by the Council, a copy thereof shall be signed by the Chairman and transmitted to the Assembly for its concurrence.

Reconsideration by the Council of a Bill passed.

89. When a Bill which has been passed by both the Houses of the Legislature is returned by the President or by His Highness the Maharaja for reconsideration by the Council the point or points referred for consideration shall be put before the Council by the Chairman, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Chairman may consider most convenient for their consideration by the Council.

Adjournment of debate on, and withdrawal and removal of, Bills.

Adjournment of the debate over a Bill.

90. At any stage of a Bill which is under discussion in the Council a motion that the debate on the Bill be adjourned may be moved with the consent of the Chairman.

Withdrawal of a Bill.

91. The member in charge of a Bill may, at any stage of the Bill, move for leave to withdraw the Bill; and if such leave is granted, no further motion shall be made with reference to the Bill.

92. Where any of the following motions under these rules in regard to a Bill is rejected by the Council no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the Council:— Removal of a Bill from the Register of Bills.

(i) that leave be granted to introduce the Bill;
(ii) that the Bill be taken into consideration;
(iii) that the Bill as reported by a Select or a joint Select Committee be taken into consideration; and
(iv) that the Bill (or as the case may be, that the Bill, as amended) be passed.

SECTION II—BILLS ORIGINATING IN THE COUNCIL AND NOT AGREED TO BY THE ASSEMBLY.

93. If a Bill which has been passed by the Council and transmitted to the Assembly is received back from the Assembly with amendments made in that House, copies of the Bill with such amendments shall be laid on the Table at a meeting of the Council. Return of amended Bill to originating chamber.

94. After such an amended Bill has been laid on the Table, the member in charge of the Bill may after giving three days' notice move that the amendments be taken into consideration. Appointment of time for consideration of amendments.

95. (1) If the motion that the amendments be taken into consideration is carried, the Chairman shall put the amendments to the Council in such manner as he thinks most convenient for its consideration. Procedure for consideration of amendments.

(2) Any member may propose further amendments to the Bill but such amendments shall be relevant or alternative to or consequential upon the amendments made in the Bill by the Assembly or made necessary by the delay in the passage of the Bill.

96. (1) If the Council agree to the amendments made by the Assembly, a message intimating its agreement shall be sent to the Assembly. Procedure consequent on consideration of amendments.

(2) If the Council disagrees with the amendments by the Assembly or any of them, the Bill with a message intimating its disagreement shall be sent to the Assembly.

(3) If the Council agrees to the amendments or any of them with further amendments or proposes further amendments in place of amendments made by the Assembly, the Bill as further amended with a message to that effect shall be sent to the Assembly.

(4) If the Bill is again returned with a message intimating that the Assembly insists on amendments to which the Council has not agreed or does not agree to the further amendments made in the Bill by the Council the Council may either,—

(i) agree to the Bill as passed by the Assembly,

or

(ii) allow the Bill to lapse.

SECTION III—BILLS ORIGINATING IN AND PASSED BY THE ASSEMBLY AND RECEIVED THEREFROM IN THE COUNCIL.

Laying of Bills passed by the Assembly on the Table of Council.

97. As soon as possible, after a Bill which has been passed by the Assembly is received in the Council, copies of the Bill shall be laid on the Table at a meeting of the Council.

Motion for leave to introduce in such cases.

98. Where a Bill has been laid on the Table of the Council under rule 97, it shall not be necessary to make a motion for leave to introduce the same in the Council or to publish it.

Notice.

99. At any time after copies have been laid on the Table any Minister in the case of a Government Bill and in any other case any Member may give notice of his intention to move that the Bill be taken into consideration.

Motion for consideration.

100. Unless the Chairman otherwise directs, no such motion shall be set down in the list of business for any day which is less than three days from the receipt of the notice.

Discussion.

101. On the day on which such motion is set down in the list of business, the member in charge of the Bill may move that the Bill be taken into consideration. On that date or on any subsequent day to which the discussion of the motion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

Reference to Select Committee.

102. After the motion that the Bill be taken into consideration is carried, any Member may move that the Bill be referred to a Select Committee and if such a motion is carried, the Bill shall be referred to a Select Committee and the rules regarding Select Committees on Bills originating in the Council shall then apply.

103. When a motion that the Bill be referred to a Select Committee is negatived or if no such motion is made or in case a Bill is referred to a Select Committee, the motion that the Bill as reported by the Select Committee be taken into consideration is carried, the provisions of the rules of the Council regarding consideration of clauses of Bills and amendments to such clauses and subsequent procedure in regard to passing of Bills, shall apply : Consideration and passing.

Provided that in the case of a money Bill, the Council may make only recommendations and the rules of the Council regarding amendments to Bills shall apply which such changes in regard to moving, consideration and adoption of such recommendations as the Chairman may from time to time direct :

Provided further that in the case of an Appropriation Bill, no amendments shall be proposed which will have the effect of varying the amount or altering the destination of any grants so made or for varying the amount of net expenditure charged to the Consolidated Fund of the State.

104. If the Bill is passed without amendment, a copy of the Bill with a message to the effect that the Council has agreed to the Bill without any amendment shall be transmitted to the Assembly. Bill passed without amendment.

105. If the Bill is not a money Bill and is passed with amendments, the Bill shall be returned with a message asking for the concurrence of the Assembly to the amendments. If the Bill is a money Bill, it shall be returned with its recommendations if any. Bill passed with amendments.

106. If a Bill so amended by the Council is returned to the Assembly for its concurrence and is again sent back by the Assembly with a message disagreeing with the amendments, the Council may either agree to the Bill as passed by the Assembly or insist on an amendment or amendments with which the Assembly has disagreed. Procedure consequent on consideration of amendment.

107. The Chairman may, in his discretion, dispense with the provisions of this Chapter regarding periods of notices or interval between any two stages of legislation and may in his discretion allow any motion regarding the Bill or any amendment to be moved without notice or after such shorter interval as he may think fit. Chairman's power to dispense with notice.

SECTION IV.—JOINT SELECT COMMITTEES.

Concurrence of the Assembly.

108. The Council may by motion desire to obtain the concurrence of the Assembly in setting up a Joint Select Committee of the two Houses to consider a Bill, and such a motion shall state the total number of members of both the Houses to be appointed to the Committee and the names of the members of the Council who in accordance with the proportion mentioned in rule 110, are to serve thereon. The member in charge of the Bill, and the member of Government in charge of the department to which the Bill relates, shall be nominated as members of the Joint Select Committee.

Message to the Assembly.

109. On the adoption of such a motion, a message shall be sent to the Assembly informing it accordingly and desiring its concurrence to the appointment of a Joint Select Committee and its proposed total strength and requesting it to nominate the members required under rule 110.

Strength of Committee.

110. The total number of members of a Joint Committee shall not exceed 20 and on every Joint Committee the number of members to be nominated by the Council and the Assembly shall be in the proportion of 1 : 2.

Time and place of meeting.

111. The time and place of the first meeting of the Committee shall be fixed by the presiding officer of the House in which the Bill originated.

Chairman of Committee.

112. The Joint Select Committee shall elect its own Chairman. The Chairman shall have no casting vote. If the vote on a question before a Joint Select Committee be equal, the question shall be deemed to have been decided in the negative.

Quorum of Committee.

113. The presence of one half of the members of each House in the Committee shall be necessary to constitute a meeting of the Committee.

Procedure in Committee.

114. Except as aforesaid, a Joint Select Committee shall follow the same procedure and shall have the same powers as a Select Committee of the Council.

Petitions on Bills.

Petitions relating to a Bill.

115. Petitions relating to a Bill pending in the Council may be presented or submitted in accordance with these rules.

116. Every petition shall—

(i) either be in English or in Kannada;

(ii) if presented by a member, be countersigned by him; and

(iii) be couched in respectful and temperate language.

General form of a petition.

117. The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate, by his signature, and, if illiterate, by his thumb impression.

Authentication of signatories to a petition.

118. Every petition shall be addressed to the Council, and shall conclude with a definite prayer in regard to the Bill to which it relates.

Petition to whom to be addressed and how to be concluded.

119. Any such petition may either be presented by a member, or be forwarded to the Secretary, in which latter case, the fact shall be reported by him to the Council and no debate shall be permitted on the making of such report.

Presentation of a petition.

120. A member presenting a petition shall confine himself to a statement in the following form :—

"I present a petition signed by..... petitioners regarding ..... Bill now pending in this Council,"

and no debate shall be permitted on this statement.

Form of presentation.

121. (1) A Committee on Petitions shall be constituted at the commencement of the Council or from time to time, as the case may be, and shall consist of the Deputy Chairman who shall be the Chairman of the committee and four members nominated by the Chairman.

Constitution of Committee on Petitions.

(2) Casual vacancies among the members of the committee shall be filled by nomination as soon as possible after they occur.

(3) A committee nominated under sub-rule (1) shall hold office until a new committee is nominated.

(4) If the Chairman of the committee is for any reason unable to act, the Chairman may appoint another Chairman of the committee in his place.

(5) If the Chairman of the committee is absent from any meeting, the committee shall choose another member to act as Chairman for that meeting.

Reference to Committee.

122. Every petition shall, after presentation by a member or report by the Secretary, as the case may be, be referred to the committee, and the Council shall not be considered to be seized of the petition till the committee has reported thereon.

Examination and circulation of petitions, and report by Committee.

123. The committee shall examine every petition referred to it, and shall report to the Council stating the subject matter of the petition, the number of persons by whom it is signed, and whether it is in conformity with the rules. If the petition complies with the rules, the committee may, in its discretion direct that it be circulated as a paper to the Bill to which it relates. The committee shall, in its report, state whether circulation has or has not been directed, and where circulation has not been directed, the Chairman may, in his discretion, direct that the petition be circulated. Such circulation shall be of the petition *in extenso* or of a summary thereof as the committee or the Chairman, as the case may be, may direct.

CHAPTER X.

Copies of Ordinances to be distributed to members.

Distribution of copies of Ordinances to Members.

124. As soon as possible after His Highness the Maharaja has promulgated an ordinance under article 213 of the Constitution, printed copies of such Ordinance shall be made available to the members of the Council.

CHAPTER XI.

Resolutions and Motions.

Resolutions.

Notice of resolution.

125. A member who wishes to move a resolution shall give notice, at least fifteen clear days before the commencement of the session at which he desires to move the resolution and shall together with the notice submit a copy of the resolution he wishes to move:

Provided that no member shall, unless he has obtained the special permission of the Chairman, be permitted to send in notice for one session of more than one resolution:

Provided further that the Chairman, in consultation with the Minister to whose department the resolution relates, may allow it to be entered on the list of business with shorter notice and if he does so the resolution shall take precedence over the balloted resolutions.

126. Subject to the provisions of these rules, any member may move a resolution relating to any matter of public interest:

Subject matter and conditions of admissibility of resolution.

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

(*a*) it shall be in the form of a declaration of opinion by the Council;

(*b*) it shall be clearly and precisely expressed and shall raise substantially one definite issue;

(*c*) it shall not relate to a matter which is not the concern of the Government;

(*d*) it shall not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity; and

(*e*) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India.

127. (1) The Chairman shall decide on the admissibility of a resolution and may disallow any resolution or a part thereof when in his opinion it does not comply with these rules.

Chairman to decide admissibility of resolution.

(2) Where the form or the subject matter of a resolution is, in the opinion of the Chairman, in contravention of the rules, he may amend the resolution to secure its compliance with the rules and inform the member concerned accordingly.

128. (1) A member in whose name a resolution stands on the list of business shall, except when he wishes to withdraw it, when called on, move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business:

Moving of resolution.

Provided that the member may, with the permission of the Chairman, authorise any other member, in whose name the same resolution stands lower in the list of business, to move it on his behalf, and the member so authorised may move accordingly.

(2) If the member when called on is absent, any other member authorised by him in writing in this behalf may, with the permission of the Chairman, move the resolution standing in his name.

Limits of discussion.

129. The discussion of a resolution shall be strictly limited to the subject of the resolution and shall not extend to any matter as to which a resolution may not be moved.

Amendments.

130. When a resolution is under discussion, any member may, subject to the rules relating to resolutions, move an amendment to the resolution.

Notice of amendments.

131. (1) Any member desiring to move an amendment to a resolution shall give notice at least three clear days before the day on which the resolution is to be moved.

(2) The Secretary shall, if time permits, cause every amendment to be printed, and a copy thereof to be made available for the use of every member.

Order of amendments.

132. (1) When an amendment to any resolution is moved or when two or more such amendments are moved, the Chairman shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

(2) It shall be in the discretion of the Chairman to put first to the vote either the original motion or any of the amendments which may have been brought forward.

Splitting of resolution.

133. When any resolution involving several points has been discussed, it shall be in the discretion of the Chairman to divide the resolution and put each or any points separately to the vote, as he may think fit.

Withdrawal of resolution or amendment.

134. (1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same except by leave of the Council.

(2) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the Chairman.

Resolution not discussed.

135. If a resolution which has been admitted is not discussed during the session, it shall be deemed to have been withdrawn.

Repetition of resolution.

136. (1) When a resolution has been moved and voted upon no resolution or amendment raising substantially the same question shall be moved within one year from the date of the moving of the earlier resolution.

(2) When a resolution has been withdrawn with the leave of the House, no resolution raising substantially the same question shall be moved during the same session.

137. No speech on a resolution, except with the permission of the Chairman, shall exceed fifteen minutes in duration : Time limit of speeches.

Provided that the mover of a resolution, when moving the same and the Minister concerned when speaking for the first time, may speak for thirty minutes or for such longer time as the Chairman may permit.

138. A copy of every resolution which has been passed by the Council shall be forwarded to His Highness the Maharaja. Copy of resolution passed to be sent to His Highness the Maharaja.

Motions.

139. Save in so far as is otherwise provided by the Constitution or by these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions, except on a motion made with the consent of the Chairman, who, if he admits the motion, will allot a day or days for its discussion in consultation with the Leader of the House. Discussion of matters of general public interest by means of motion.

140. Any resolution for the removal from office of the Chairman or Deputy Chairman of the Council of which notice as required by the proviso to article 183 of the Constitution has been given, shall be read to the Council by the Chairman, who shall then request the members who are in favour of leave being granted to move the resolution to rise in their places and if not less than ten rise accordingly, the Chairman shall allow the resolution to be moved. If less than ten members rise, the Chairman shall inform the member who may have given the notice that he has not the leave of the Council to move it. Resolution for removal of Chairman or Deputy Chairman.

Statement by a Minister who has resigned.

141. (1) A member who has resigned the office of Minister may, with the consent of the Chairman, make a personal statement in explanation of his resignation. Statement by a Minister who has resigned.

(2) Such statement shall be made after questions and before the list of business for the day is entered upon.

(3) On such statement no debate shall be allowed:

Provided that a Minister shall be entitled, after such member has made his statement, to make a statement pertinent thereto.

CHAPTER XII.

Procedure in Financial Matters.

The Budget.

142. The annual Financial Statement or the Statement of the Estimated Receipts and Expenditure of the Government in respect of each financial year (hereinafter referred to as 'the Budget') shall be presented to the Council on such day as His Highness the Maharaja may direct.

Budget not to be discussed on presentation.

143. There shall be no discussion on the Budget on the day on which it is presented to the Council.

General discussion on the Budget.

144. (1) On a day or days to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall it be submitted to the vote of the Council.

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

(3) The Chairman may, if he thinks fit, prescribe a time limit for speeches.

Presentation of the Budget in parts.

145. Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to the Council in two or more parts and when such presentation takes place, each part shall be dealt with in accordance with these rules as if it were the Budget.

Statement of supplementary, additional or excess expenditure.

146. (1) The Chairman may at any time during the financial year allot a day for the presentation of a statement of supplementary, additional or excess expenditure when—

(*a*) the amount authorised by the appropriation for a particular service for any financial year is found insufficient for purposes of that year, or

(*b*) a need arises during the current financial year for expenditure upon some new service not contemplated in the Budget of that year, or

(*c*) any money has been spent on any service during the financial year in excess of the amount granted for the service and for that year.

(2) The Chairman shall allot one or more days for discussion of such estimates of expenditure.

(3) No motion shall be moved on such supplementary, additional or excess statement of expenditure, nor shall it be submitted to the vote of the Council.

CHAPTER XIII.

General Rules of Procedure.

Notices.

Notices by members.

147. (1) Every notice required by these rules shall be given in writing addressed to the Secretary and may be posted or left at the office of the Council which shall be open for this purpose between the hours of 11 A.M. and 3 P.M. on every day except Sunday or on a public holiday. On Saturdays the office will be open for this purpose between the hours of 8 A.M. and 12 NOON.

(2) Notices left or delivered by post when the office is closed shall be treated as given on the next open day.

(3) Notices shall be given in such form and manner as the Chairman may determine.

Circulation of notice and papers to members.

148. (1) The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is, by these rules, required to be made available for the use of members.

(2) A notice or other paper shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the Chairman may, from time to time, direct.

Motions.

Repetition of motion.

149. A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session.

Withdrawal of motion.

150. (1) A member who has made a motion may withdraw the same by leave of the Council.

(2) The leave shall be signified not upon question but by the Chairman taking the pleasure of the Council. The Chairman shall ask: "Is it your pleasure that the motion be withdrawn?" If no one dissents, the Chairman shall say, "The motion is by leave, withdrawn." But if any dissentient voice be heard, or a member rises to continue the debate, the Chairman shall forthwith put the motion:

Provided that if an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been disposed of.

Dilatory motion.

151. If the Chairman is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the Council, he may either forthwith put the question thereon from the Chair or decline to propose the question.

Amendments.

Scope of amendments.

152. (1) An amendment shall be relevant to, and within the scope of, the motion to which it is proposed.

(2) An amendment shall not be moved which has merely the effect of a negative vote.

(3) An amendment on a question shall not be inconsistent with a previous decision on the same question.

Selection of amendments.

153. (1) The Chairman may refuse to put an amendment which is in his opinion frivolous.

(2) In respect of any motion, the Chairman shall have power to select the amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment, to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

Rules to be observed by members.

Mode of addressing the Council.

154. A member desiring to make any observations on any matter before the Council shall speak from his place, shall rise when he speaks and shall address the Chairman:

Provided that a member disabled by sickness or infirmity may be permitted to speak sitting.

155. (1) The matter of every speech must be strictly relevant to the matter before the Council. **Rules to be observed while speaking.**

(2) A member while speaking must not—

(*a*) refer to any matter of fact on which a judicial decision is pending; or

(*b*) make a personal charge against a member; or

(*c*) reflect upon His Highness the Maharaja, the members of the Ruling Family, the President, the Governor or Rajpramukh of any State, the Ruler of any foreign State, a Judge of a High Court in India in the discharge of his duties, or any Court of Law in the exercise of its judicial functions; or

(*d*) utter treasonable, seditious, defamatory or unparliamentary words; or

(*e*) use his right of speech for the purpose of obstructing the business of the Council; or

(*f*) reflect on any determination of the Council except on a motion for amending or rescinding it; or

(*g*) discuss any ruling or direction of the Chairman or any order by the Chairman disallowing a question, resolution or motion.

156. When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Council, he shall ask the question through the Chairman. **Question to be asked through the Chairman.**

157. The Chairman, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech. **Irrelevance or repetition.**

158. A member may, with the permission of the Chairman, make a personal explanation although there is no question before the Council, but in this case no debatable matter may be brought forward, and no debate shall arise. **Personal explanation.**

Order of speeches and right of reply.

159. (1) After the member who moves has spoken, other members may speak to the motion in such order as the Chairman may call upon them. If any member who **Order of speeches and right of reply.**

is so called upon does not speak, he shall not be entitled, except by the permission of the Chairman, to speak to the motion at any later stage of the debate.

(2) Except in the exercise of a right of reply or as otherwise provided by these rules, no member shall speak more than once on any motion, except with the permission of the Chairman.

(3) A member who has moved a motion may speak again by way of reply, and if the motion is moved by a non-official member, the Minister concerned may with the permission of the Chairman, speak (whether he has previously spoken in the debate or not) after the mover has replied:

Provided that nothing in this sub-rule shall be deemed to give any right of reply to the mover of an amendment to a Bill or a resolution, save with the permission of the Chairman.

Duration of Speeches.

Duration of speeches.

160. In cases not specifically provided for in these rules the Chairman may, having regard to the state of business before the Council and the nature of the motion, prescribe a time limit for speeches.

Election Rules.

Election rules.

161. The election by means of the single transferable vote referred to in the rules shall be in accordance with instructions set out in Schedule I to these rules.

Procedure when Chairman rises.

Procedure when Chairman rises.

162. (1) Whenever the Chaiman rises he shall be heard in silence and any member who is then speaking or offering to speak shall immediately resume his seat.

(2) No member shall leave his seat while the Chairman is addressing the Council.

Closure.

Closure.

163. (1) At any time after a motion has been made, any member may move, "That the question be now put", and, unless it appears to the Chairman that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Chairman shall then put the motion, "That the question be now put".

(2) Where the motion: "That the question be now put" has been carried, the question or questions consequent thereon shall be put forthwith without further debate:

Provided that the Chairman may allow any member any right of reply which he may have under these rules.

Question for Decision.

164. A matter requiring the decision of the Council shall be decided by means of a question put by the Chairman on a motion made by a member. Procedure for obtaining decision of the Council.

165. When a motion has been made, the Chairman shall propose the question for the consideration, and put it for the decision, of the Council. If a motion embodies two or more separate propositions, those propositions may be proposed by the Chairman as separate questions. Proposal and putting of question.

166. A member shall not speak on a question after the Chairman has collected the voices both of the Ayes and of the Noes on that question. No speech after voices collected.

Division.

167. (1) Votes may be taken by voices or division, and shall be taken by division, if any member so desires unless in the opinion of the Chairman it is frivolous or obstructive. The Chairman shall determine the method of taking votes by division. Division.

(2) The result of a division shall be announced by the Chairman and shall not be challenged.

Papers quoted to be laid on the Table.

168. If a Minister quotes in the Council a despatch or other State paper which has not been presented to the Council, he shall lay the relevant paper on the Table of the House: Papers quoted to be laid on the Table.

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest.

Withdrawal and Suspension of Members.

169. The Chairman may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. Withdrawal of a member.

Suspension of a member.

170. (1) The Chairman may, if he deems it necssary, name a member who disregards the authority of the Chair or abuses the rules of the Council by persistently and wilfully obstructing the business thereof.

(2) If a member is so named by the Chairman, he shall forthwith put the question that the member (naming him) be suspended from the service of the Council during the remainder of the session:

Provided that the Council may, at any time, on a motion being made, resolve that such suspension be terminated.

(3) A member suspended under this rule shall forthwith quit the precincts of the Council.

Suspension of Sitting.

Power of Chairman to adjourn Council or suspend sitting.

171. In the case of grave disorder arising in the Council, the Chairman may, if he thinks it necessary to do so, adjourn the Council or suspend any sitting for a time to be named by him.

Points of Order.

Points of order and dicisions thereon.

172. (1) Any member may at any time submit a point of order for the decision of the Chairman, but, in doing so, shall confine himself to stating the point.

(2) The Chairman shall decide all points of order which may arise, and his decision shall be final.

Maintenance of Order.

Chairman to preserve order and enforce decisions.

173. The Chairman shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions.

Report of Proceedings.

Report of proceedings of the Council.

174. The Secretary shall cause to be prepared a full report of the proceedings of the Council at each of its meetings, and shall, as soon as practicable, publish it in such form and manner as the Chairman may, from time to time, direct.

Admission of Strangers.

Admission of strangers.

175. The admission of strangers during the sittings of the Council to those portions of the Council which are not reserved for the exclusive use of members shall be regulated in accordance with orders made by the Chairman.

176. The Chairman, whenever he thinks fit, may order the withdrawal of strangers from any part of the Council. Withdrawal of strangers.

Residuary Powers.

177. All matters not specifically provided in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Chairman may from time to time direct. Residuary powers.

Suspension of Rules.

178. Any member may, with the consent of the Chairman, move that any rule may be suspended in its application to a particular motion before the Council and if the motion is carried the rule in question shall be suspended for the time being. Suspension of rules.

Duties of Secretary.

179. The Secretary shall attend at every meeting of the Council and of a Select Committee and in addition to the other duties specially required by the rules it shall be his duty— Duties of Secretary.

(*a*) to take charge of the records of the Council;
(*b*) to keep proceedings of the Select Committees;
(*c*) to write all letters ordered by the Chairman of the Council;
(*d*) to superintend the printing of all Bills and papers ordered to be printed, and
(*e*) to assist, at all times, the Council and all committees, in all work connected with their duty.

CHAPTER XIV.

Committees.

Privileges Committee.

180. (1) There shall be appointed a Committee of Privileges for the Council to consider and advice on matters relating to the privileges of the members collectively, the privileges of the members individually, and the privileges of the Chairman. Constitution of Committee of Privileges.

(2) The Committee of Privileges shall consist of five members of whom four shall be elected by the Council in accordance with the principle of proportional

representation by means of the single transferable vote and one nominated by the Chairman at his discretion.

(3) The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee. The Secretary to the Council shall be the *ex-officio* Secretary of the Committee.

(4) If the Chairman of the Committee is for any reason unable to act, the Chairman may similarly appoint another Chairman of the Committee in his place.

(5) If the Chairman is absent from any meeting, the Committee shall choose another member to act as Chairman for that meeting.

(6) The Committee shall hold office for one year or until the next Committee is appointed, whichever is later.

(7) Casual vacancies in the Committee shall be filled by nominations as soon as possible after they occur, by the Chairman and any person so nominated shall hold office only until the Committee is reconstituted.

Procedure for transaction of business by the Committee of Privileges.

181. (1) The presence of at least three members shall be necessary to constitute a quorum for a meeting of the Committee.

(2) The Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties :

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee the question shall be referred to the Chairman whose decision shall be final :

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(3) The Committee may invite any person or persons to appear before it for elucidation of any points in connection with the matters referred to it for consideration or may invite such person or persons to submit any written statement to it for the purpose.

(4) All questions before the Committee shall be decided by majority of votes of the members present and voting. In the event of equality of votes, the Chairman shall have a second or casting vote.

(5) The report of the Committee shall be confined to a statement of the opinions of the Committee with or without reasons on the questions referred to it or on the

matter involved in them and the report may also state the procedure to be followed by the Council in giving effect to the recommendations made by the Committee.

(6) The Chairman or in his absence any member of the Committee shall present the report of the Committee to the Council, as early as possible.

(7) As soon as may be, after the report has been presented, a motion in the name of the Chairman or any member of the Committee will be put down that the report be taken into consideration.

(8) Any member may give notice of an amendment to the motion for consideration of the report referred to in the above sub-rule in such form as may be considered appropriate by the Chairman:

Provided that an amendment may be moved that the question be re-committed to the Committee either without limitation or with reference to any particular matter.

(9) The proceedings of the Committee shall be treated as confidential

(10) Save as otherwise provided, the Committee shall transact its business in accordance with such regulations or directions as may be issued in this behalf by the Chairman from time to time.

182. (1) Any member of the Council may draw attention to a matter of privilege by handing to the Chairman a written motion to that effect.

Reference to a matter of privilege by a member.

(2) A motion on a matter of privilege arising during the sitting of the Council is, notwithstanding anything contained in rules 43 and 45, entitled to immediate precedence over all other business.

(3) A motion on a matter of privilege, not arising during the sitting of the Council, may be made after questions and before the list of business for the day is entered upon. But any such motion should be made at the earliest opportunity.

(4) If the Chairman holds that the motion involves a *prima facie* case of privilege, the question shall be referred to the Committee of Privileges on a motion made by the Leader of the House or any member to whom he may delegate his functions under this sub-rule.

(5) After the report of the Committee is presented, the Council shall take such action thereon as it deems fit.

Chairman's power to refer a matter of privilege.

183. The Chairman may, of his own accord, bring a matter touching the privileges to the notice of the Council and whenever this is done, the procedure laid down in rules 171 and 172 shall, so far as may be, apply.

House Committee.

House Committee.

184. (1) There shall be appointed a House Committee for the Council to consider and advise upon all matters connected with the convenience and comfort of the members of the Council.

(2) The Committee shall consist of the Deputy Chairman who shall be the Chairman of the Committee, and four members to be elected by the Council.

(3) The election to the Committee shall be held on such date as may be fixed by the Chairman according to the principle of proportional representation by means of the single transferable vote.

(4) The Committee shall hold office for one year or until the next Committee is appointed, whichever is later.

(5) Casual vacancies in the Committee shall be filled as soon as possible after they occur by election in the manner aforesaid and any person so elected shall hold office for the period for which the person in whose place he is elected would, under the provisions of the rule, have held office. During any vacancy in the Committee, the continuing members may act as if no vacancy has occurred.

(6) The Secretary to the Council shall be the *ex-officio* Secretary of the Committee.

CHAPTER XV

Resignation and vacation of seats in the Council and leave of absence from meetings of the Council.

Resignation of seats in the Council.

185. (1) As soon as may be, the Chairman shall, after he has received an intimation in writing from a member under his hand resigning his seat in the Council, inform the Council that such and such a member has resigned his seat in the Council:

Provided that when the Council is not in session, the Chairman shall inform the Council immediately after the Council re-assembles, that such and such a member has resigned his seat in the Council during the inter-session period.

(2) The Secretary shall, as soon as may be, after the Chairman has received such intimation from a member resigning his seat in the Council, cause the information to be published in the Gazette and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

Permission to remain absent from meetings of the Council.

186. (1) A member wishing to obtain permission of the Council for remaining absent from meetings thereof under clause (4) of article 190 of the Constitution shall make an application in writing to the Chairman, stating the period for which he may be permitted to be absent from the meetings of the Council.

(2) After the receipt of an application under sub-rule (1) of this rule the Chairman shall, as soon may be, read out the application to the Council and ask: "Is it the pleasure of the Council that permission be granted to such and such a member for remaining absent from all meetings of the Council for such and such a period?" If no one dissents, the Chairman shall say: "Permission to remain absent is granted." But if any dissentient voice is heard, the Chairman shall take the sense of the Council and thereupon declare the determination of the Council.

(3) No discussion shall take place on any question before the Council under this rule.

(4) The Secretary shall, as soon as may be, after a decision has been signified by the Council, communicate it to the member.

Vacation of seats in the Council.

187. (1) The seat of a member shall be declared vacant, under clause (4) of article 190 of the Constitution on a motion by the Leader of the House or by such other member to whom he may delegate his functions in this behalf.

(2) If the motion referred to in sub-rule (1) of this rule is carried, the Secretary shall cause the information to be published in the Gazette and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

CHAPTER XVI

Communication between His Highness the Maharaja and the Council.

Communications from His Higness the Maharaja to the Council.

188. Communication from His Highness the Maharaja to the Council shall be made to the Chairman by written message signed by His Highness or, if His Highness is absent from the place of meeting of the Council his message shall be conveyed to the Chairman through a Minister.

Communications from the Council to His Highness the Maharaja.

189. Communications from the Council to His Highness the Maharaja shall be made—

(1) by formal address, after motion made and carried in the Council, and

(2) through the Chairman.

CHAPTER XVII

Amendment of Rules.

Notice of proposal to amend rules.

190. (1) Unless the Chairman otherwise directs, not less than fifteen clear days' notice of a motion for leave to amend these rules shall be given, and the notice shall be accompanied by a draft of the proposed amendments.

(2) The motion shall be set down for such day as the Chairman may direct.

Procedure.

191. When the motion is reached, the Chairman shall ask whether the member has the leave of the Council. If objection is taken, the Chairman shall requst those members who are in favour of leave being granted to rise in their places, and if not less than ten members rise accordingly, the Chairman shall intimate that the member has the leave of the Council. If less than ten members rise, the Chairman shall inform the member that he has not the leave of the Council.

Reference to Special Committee.

192. (1) Where a member has the leave of the Council to proceed, he shall move that the draft amendments be referred to a Special Committee.

(2) If that motios in carried the draft amendments shall be referred to a Special Committee of which the Chairman shall be Chairman, and the Deputy Chairman shall be a member. The remaining members, who shall be seven in number, shall be elected by the Council by means of the single transferable vote.

193. (1) The procedure to be followed by a Special Committee to which the draft has been so referred shall, as far as may be, be the same as the procedure to be followed by a Select Committee on Bills subject to such variations as the Chairman may direct. Subsequent procedure.

(2) After the Special Committee presents its report to the Council, the Council shall dispose of the matter in the same manner as reports of a Select Committee on Bills under these rules subject to such variations as the Chairman may direct.

(3) When the amendments have been passed by the Council they shall be published in the official Gazette and shall take effect from the date of such publication.

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SCHEDULE I

Rules for the holding of Elections according to the principle of proportional representation by means of the single transferable vote.

[*Rule 161.*]

1. In these rules— Definitions.

(1) "continuing candidate" means any candidate not elected and not excluded from the poll;

(2) "first preference" means the figure "1" "second preference" means the figure "2" "third preference" means the figure "3", set opposite the name of any candidate, and so on;

(3) "non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate:

Provided that a paper shall be deemed to be a non-transferable paper in any case in which—

(*a*) the names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or

(*b*) the name of the candidate next in order of preference (whether continuing or not) is marked—

(i) by a figure not following consecutively after some other figure on the ballot paper; or

(ii) by two or more figures; *

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* The fact that a voter has not marked every preference correctly does not invalidate the whole of his preferences. His paper is only treated as non-transferable when the wrongly marked preference is reached. The following are examples :—

A 1	A 1
B 2	B 2
(1) C 3	(2) C 3
D 3	D 5
E 4	E 6
	F

In case (1), the preferences for A and B would be valid. If the third preference were reached, the paper would be treated as non-transferable, as it would be impossible to say for which candidate the voter really intended to give his third preference. In case (2), the preferences for A, B and C would be valid, but not the later ones, whether D had been elected or excluded or was still a continuing candidate. It is possible that the voter meant to give a fourth preference for some other candidate, *e.g.*, F, but omitted to do so. It would not be possible to treat 5 as being meant to be 4.

(4) "original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

(5) "surplus" means the number of votes by which the total number of the votes original, and transferred, credited to any candidate, exceeds the quota;

(6) "transferable paper" means a ballot paper on which a second or subsequent preference is recorded for a continuing candidate;

(7) "transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

Conduct of election.

2. The Returning Officer shall, subject to these rules, do all things necessary for the conduct of the election.

Ballot paper.

3. The voting shall be by ballot. The Polling Officer shall ascertain that the person desiring to vote is an elector who has not already voted, and shall enter his name upon the counterfoil of a ballot paper in a ballot paper book which shall be provided for the purpose of the election, and shall then tear out the ballot paper corresponding to that counterfoil, and hand it to the elector. Every ballot paper shall contain the names of all the candidates for election arranged alphabetically in the form annexed to these rules.

Method of voting.

4. (1) Every elector shall have one vote only.

(2) An elector in giving his vote—

(*a*) must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes;

(*b*) may in addition place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3 and 4, ond so on, in the squares opposite the names of other candidates in the order of his preference.

Invalid ballot papers.

5. A ballot paper shall be invalid—

(*a*) upon which a member signs his name or writes any word, or makes any mark by which it becomes recognizable; or

(*b*) on which the figure 1 is not marked ; or

(*c*) on which the figure 1 is set opposite the name of more than one candidate ; or

(*d*) on which the figure 1 and some other figure is set opposite the name of the same candidate ; or

(*e*) which is unmarked or void for uncertainty.

Scrutiny and arrangement of ballot papers.

6. (*a*) After the close of the poll, the Polling Officer, if he is also the Returning Officer, shall forthwith have the voting papers scrutinised and the votes counted and announce the results, provided that where this is not practicable or the ballot box has to be sent to the Returning Officer who is elsewhere for counting, the Polling Officer shall have the box sealed with his own seal, as well as those of such of the candidates or their agents as may wish to do so and arrange for their safe custody and thereafter take up, at the appointed time and place, the scrutiny and counting of votes or despatch the box to the Returning Officer.

(*b*) The Returning Officer shall, as soon as may be practicable after the close of the poll, appoint a date, time and place for the counting of votes and shall give notice in writing thereof to the candidates or their election agents.

(*c*) The box or boxes aforesaid shall be opened in a place to which the candidates or their agents shall have access.

(*d*) The Returning Officer shall examine the ballot papers and, after rejecting any that are invalid, shall arrange the remainder in parcels according to the first preferences recorded for each candidate.

Counting of votes.

7. The Returning Officer shall then count the number of papers in each parcel, and credit each candidate with one vote in respect of each valid paper on which a first preference has been recorded for him, and he shall ascertain the total number of valid papers.

Ascertainment of quota.

8. The Returning Officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled, and the result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient to secure the return of candidate (hereinafter called the "quota").

Candidates with quota elected.

9. If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be declared elected.

Transfer of surplus.

10. (1) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this rule to the continuing candidates indicated on the ballot papers in the parcel of the elected candidate as being next in order of the voters' preference.

(2) (*a*) If the votes credited to an elected candidate consist of original votes only, the Returning Officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred and shall arrange the transferable papers in sub-parcels according to the next preference recorded thereon.

(*b*) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the Returning Officer shall examine the papers contained in the sub-parcel last received by the elected candidates and shall arrange the transferable papers therein in further sub-parcels according to the next preference recorded thereon.

(*c*) In either case, the Returning Officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(3) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the Returning Officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next preference.

(4) (*a*) If the total number of transferable papers is greater than the surplus, the Returning Officer shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

(*b*) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.

(*c*) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to

be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

(*d*) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.

(*e*) Each paper transferred shall be marked in such a manner as to indicate the candidate from and to whom the transfer is made.

(5) (*a*) If more than one candidate has a surplus, the largest surplus shall be first dealt with.

(*b*) If two or more candidates have each the same surplus, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes are equal, the Returning Officer shall decide by lot which surplus shall be dealt with first.

(*c*) The Returning Officer need not transfer the surplus of an elected candidate when that surplus together with any other surplus not transferred does not exceed the difference between the totals of the votes credited to the two continuing candidates lowest on the poll.

Exclusion of candidates lowest on the poll.

11. (1) If at any time no candidate has a surplus (or when under the preceding rule any existing surplus need not be transferred), and one or more vacancies remain unfilled, the Returning Officer shall exclude from the poll the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

(2) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the Returning Officer may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding regulation.

(3) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest on the poll, regard shall

be had to the number of original votes credited to each of those candidates, and the candidate with fewest original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the numbers of votes credited to those candidates were equal at all transfers, the Returning Officer shall decide by lot which shall be excluded.

Disposal of papers after any transfer.

12. (1) Whenever any transfer is made under any of the preceding rules each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

(2) If after any transfer a candidate has a surplus that surplus shall be dealt with in accordance with and subject to the provisions contained in rule 10 before any other candidate is excluded.

Filling the last vacancies.

13. (1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.

(3) When the last vacancies can be filled under this rule, no further transfer of votes need be made.

Provision for re-counts.

14. Any candidate or his agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the Returning Officer to re-examine and re-count the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the Returning Officer shall forthwith re-examine and re-count the same accordingly. The Returning Officer may also

at his discretion re-count votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing herein shall make it obligatory on the Returing Officer to re-count the same votes more than once.

15 The Returning Officer shall prepare and certify a return setting forth— Return to be prepared by Returning Officer.

(i) the number of valid votes given to each candidate;

(ii) the number of votes declared invalid and rejected;

(iii) the names of the persons declared elected.

16. If any question arises as to the interpretation and working of these rules otherwise than in connection with an election enquiry held under the rules thereof, the question shall be referred for the decision of the Chairman and his decision shall be final. Interpretation in case of doubt.

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FORM I.

Form of Ballot Paper.

Election for.....

Counterfoil No.

Serial Number

Number of Polling Station.

Number of elector on electoral roll.

Names of candidates	Symbol	Mark, order of preference in spaces below
A		
B		
C		
D		
E		
F		

Instructions to electors.

A. Each elector has one vote and one vote only.

B. The elector votes—

(*a*) by placing the figure "1" opposite the name of his first choice.

He is also invited to place—

(*b*) the figure "2" opposite the name of his second choice;

(*c*) the figure "3" opposite the name of his third choice, and so on, numbering as many candidates as he pleases in order of his preference. The number of preference is not necessarily restricted to the number of vacancies.

N.B.—The vote will be spoilt, if the figure "1" is placed opposite the name of more than one candidate.

I

EXAMPLE OF AN ELECTION CONDUCTED ON THE SYSTEM OF THE SINGLE TRANSFERABLE VOTE SET OUT ABOVE.

Let it be assumed that there are five members to be elected, and that there are ten candidates, A, B, C, D, E, F, G, H, I, K.

The ballot papers are examined, and the valid papers are arranged in separate parcels under the names of the candidates marked with the figure 1. Arrangement of ballot papers [Rule (6) (*d*)].

Each separate parcel is counted, and each candidate is credited with one vote in respect of each paper on which a first preference has been recorded for him. Counting the votes (Rule 7).

The result of the count may be supposed to be as follows:—

	Votes
A	2,009
B	952
C	939
D	747
E	493
F	341
G	157
H	152
I	118
K	93
Total ...	6,000

The quota.

It is found that the total of all the valid votes is 6,000. This total is divided by six (*i.e.*, the number which exceeds by one the number of vacancies to be filled), and 1,001 (*i.e.*, the quotient 1,000 increased by one) is the "quota," or the number of votes sufficient to elect a member. Ascertainment of quota (Rule 8).

A's votes exceed the quota and he is declared elected. Candidate with quota elected (Rule 9).

First Transfer.

A has 1,008 surplus votes (*i.e.*, A's total 2,009 less the quota 1,001), and it is necessary to transfer this surplus. [Rule 10 (1).] Transfer of surplus votes of elected candidate (Rule 10).

All A's 2,009 papers are examined and arranged in separate sub-parcels according to the second preferences indicated thereon. [Rule 10 (2) (*a*).]

A separate sub-parcel is also formed of those papers on which no further available preference, *i.e.*, no further preference for any continuing candidate, is shown, and which are therefore not transferable. [Rule 10 (2) (*c*).]

This result is found to be as follows :—

A next available preference is shown for	D on	257	papers.
Do do	E on	11	,,
Do do	F on	28	,,
Do do	G on	1,078	,,
Total of transferable papers ...		2,004	,,
Total of non-transferable papers ...		5	,,
Total of A's papers ...		2,009	,,

Proportion of papers to be transferred [Rule 10 (4) (*a*)].

Since that total number of transferable papers (2,004) exceeds the surplus (1,008) only a portion of each sub-parcel can be transferred, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcel as that which the surplus bears to the total number of transferable papers.

How numbers to be transferred are ascertained [Rule 10 (4) (*b*)].

In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 1,008 (the surplus), and dividing the result by 2,004 (the total number of transferable papers).

The process is as follows :—

D's sub-parcel contains 257 papers and his share of the surplus is therefore—

$$257 \times \frac{1,008}{2,004} \text{ or } 129\frac{540}{2,004}$$

E's sub-parcel contains 11 papers and his share of the surplus is therefore—

$$11 \times \frac{1,008}{2,004} \text{ or } 5\frac{1,068}{2,004}$$

F's sub-parcel contains 28 papers and his share of the surplus is therefore—

$$28 \times \frac{1,008}{2,004} \text{ or } 14\frac{168}{2,004}$$

G's sub-parcel contains 1,708 papers and his share of the surplus is therefore—

$$1,708 \times \frac{1,008}{2,004} \text{ or } 859\frac{228}{2,004}$$

Total ... 1,008

The number of papers to be transferred as determined by the preceding process contain fractions, and, since only whole papers can be transferred, so many of the largest of these fractions, taken in order of their magnitude, as will make the total number of papers to be transferred equal to the surplus are reckoned as of the value of unity.

Treatment of fractions in transferring surplus votes [Rule 10 (4) (*c*)].

Thus, as the *whole* numbers determined above amount to only 1,007, *viz.*,

(129 + 5 + 14 + 859), or one short of the surplus 1,008

the largest fraction $\frac{1,068}{2,004}$ is reckoned as unity, and the numbers of papers to be transferred are as follows :—

To D ...	...	129 papers.
To E ...	...	6 ,,
To F ...	...	14 ,,
To G ...	...	859 ,,
Total being A's surplus		1,008 ,,

The particular papers to be transferred to D, E, F and G are those last filed in their respective sub-parcels, and, therefore, at the top of the sub-parcels, the papers to be transferred are to be marked so as to indicate the candidates from and to whom the transfer is made.

Selections and marking of papers to be transferred [Rule 10 (4) (*d*) and (*e*)].

These papers are added in separate sub-parcels to the parcels of D, E, F and G.

Disposal of papers after transfer [Rule 12 (1)].

The totals of the votes credited to these candidates then become—

			Votes
D ...	...	746 + 129 =	875
E ...	...	493 + 6 =	499
F ...	...	341 + 14 =	355
G ...	...	157 + 859 =	1,016

The remainders of the papers in the sub-parcels (*i.e.*, those papers not transferred), together with the papers on which no further available preferences were marked, are collected together and formed into one parcel, representing A's quota of votes (1,001), and these papers are set aside as finally dealt with. the parcel is made up as follows :—

Quota of papers of elected candidate set aside [Rule 12 (1)].

The remainder of D's sub-parcel,	257 less 129 =	128
Do of E's do	11 less 6 =	5
Do of F's do	28 less 14 =	14
Do of G's do	1,708 less 859 =	849
Non-transferable papers ...	...	5
Total being A's quota ...	...	1,001

The operations involved in this transfer are summarised in the following table:—

Transfer of A's surplus.

Surplus	... ...	1,008
Number of transferable papers ...	...	2,004

$$\text{Proportions to be transferred} = \frac{\text{Surplus } 1{,}008}{\text{No. of transferable papers } 2{,}004}$$

Names of candidates marked as the next available preferences	Number of original papers	Number of papers transferred	Number of papers retained for A's quota
B	...	...	...
C	...	...	...
D	257	129	128
E	11	6	5
F	28	14	14
G	1,708	859	849
H	...	...	...
I	...	...	...
K	...	...	...
Total number of transferable papers.	2,004	1,008	996
Number of non-transferable papers.	5	...	5
Total ...	2,009	1,008	1,001

State of poll after first transfer.

The state of the poll on the conclusion of the transfer is as follows:—

	Votes	
A	1,001	elected.
G	1,016	
B	952	
C	939	
D	875	
E	499	
F	355	
H	152	
I	118	
K	93	
Total ...	6,000	

Election of candidates as a result of transfer (Rule 9).

G now has 1,016 votes, a number which is more than the quota. He is according y declared elected.

Second transfer.

G's surplus (1,016 less 1,001, or 15) would have to be transferred were it not for the provision of Rule 10 (5) (*c*). Under the latter rule, the Returning Officer need not transfer a surplus which is less than the difference between the two lowest candidates on the poll, and where, therefore, the transfer could not alter the relative position of these two candidates, even if the whole surplus were transferred to the lowest candidate. In this case, the difference between I and K, the two lowest candidates, is 25 (118 less 93), and therefore G's surplus need not be transferred.

Surplus not transferred in special case [Rules 10 (5) (*c*).]

The Returning Officer proceeds to distribute the papers of the candidate with the smallest total of votes.

K's parcel of 93 papers is therefore examined. It is found to contain 89 papers on which F is the next preference, and 4 on which C is the next preference.

Therefore 89 papers are transferred to F and 4 to C, being marked so as to indicate the transfer [Rule 10 (4) (*e*).]

Transfer of votes of candidate lowest on the poll [Rule 11 (1).]

The poll now stands as follows :—

State of poll after second transfer.

		Votes.	
A	...	... 1,001	elected.
G	...	... 1,016	
B	...	... 952	
C	...	... 943	
D	...	... 875	
E	...	... 499	
F	...	... 444	
H	...	... 152	
I	...	... 118	
	Total	... 6,000	

Third transfer.

The poll shows that as a result of the second transfer no further candidate obtained the quota which would entitle him to election, and the next operation has to be determined upon.

Transfer in special case of the vote of the two lowest candidates in one operation [Rule 11 (2).]

The difference between I and H (152 less 118, *i.e.*, 34) exceeds G's surplus (15), which therefore, is still allowed to remain untransferred [Rule 10 (5) (*c*)].

Candidate I is lowest on the poll, and his papers have to be distributed in the same manner as K's [Rule 11 (1)]. But as the combined totals of H and I together with G's surplus (152+118+15=285) are less than 444, the total of F, the next highest candidate, the Returning Officer avails himself of Rule 11 (2), and distributes the papers of both H and I in one operation.

The papers (152+118, or 270 in all) in the parcels of H and I are examined in one operation, and it is found that—

B is marked next preference on ...	119	papers.
D do do ...	107	,,
Non-transferable papers ...	44	,,
Total ...	270	,,

It should be stated that on some papers some or one of the candidates A, G, I, H and K, may have been marked as next in order of preference on the papers examined, but as all these candidates are already either elected or excluded, any papers so marked pass to those of the other candidates for whom the next available preferences have been recorded.

The operation is completed by the transfer of 119 papers duly marked [Rule 10 (4) (*e*)] to B, and 107 to D, whilst the 44 non-transferable papers are set aside as finally dealt with [Rule 12 (1)].

The poll now stands as follows:—

	Votes.	
A	1,001	elected.
G	1,016	,,
B	1,071	
D	982	
C	943	
E	499	
F	444	
Non-transferable papers ...	44	
Total ...	6,000	

Election of candidate as the result of a transfer (Rule 9).

B now has 1,071 votes, a number which exceeds the quota. He is accordingly declared elected.

Fourth transfer.

Transfer of surplus votes arising from a previous transfer [Rule 12 (2)].

B's surplus (70) exceeds the difference (55) between E and F, the two candidates lowest on the poll, and it is therefore necessary to distribute it.

For this purpose, only the sub-parcel of papers last transferred, containing 119 papers is taken into account.

Sub-parcel of votes last transferred, examined [Rule 10 (2) (*b*)].

These are examined and arranged in sub-parcels (in the same manner as A's papers were examined and arranged) with the following result:—

A next preference is shown for E on 84 papers.
No further preference is shown on 35 papers.

The total number of transferable papers (84) is thus greater than the surplus (70), and the proportion to be transferred is $\frac{70}{84}$. But there is only one candidate, E, entitled to participate in the transfer. E accordingly receives the whole of the surplus and the 70 papers last filed in E's sub-parcel are, therefore, transferred to him, after being marked so as to indicate their transfer from B to E [Rule 10 (4) (*e*)].

The remainder of the papers in E's sub-parcel, together with the non-transferable papers, are placed with B's original parcel. The whole constitutes B's quota and these papers are set aside as finally dealt with [Rule 12 (1)].

B's quota is made up as follows :—

Original parcel	...	952
Remainder of E's sub-parcel	...	14
Non-transferable paper	...	35
Total	...	1,010

State of poll after fourth transfer.

The poll now stands as follows :—

		Votes.	
A	...	1,001	elected.
G	...	1,016	,,
B	...	1,001	,,
D	...	982	
C	...	943	
E	...	569	
F	...	444	
Non-transferable papers	...	44	
Total	...	6,000	

Fifth transfer.

No candidate is elected as the result of the transfer and the next operation has to be determined upon.

G's surplus is still not distributable, being smaller than the difference between the totals of E and F, the two lowest candidates [Rule 10 (5) (*c*)].

F is lowest and his papers have to be distributed.

The votes of the lowest candidate distributed [Rule 11 (1)].

On examination it is found that of F's 444 papers, 353 show a next preference for C, and the remainder 91 contain no further preference.

The operation is completed by the transfer of 353 papers duly marked [Rule 10 (4) (*e*)] to C, whilst the 91 non-transferable papers are set aside as finally dealt with [Rule 12 (1)].

State of poll after fifth transfer.

The poll now stands as follows :—

	Votes.	
A	1,001	elected.
G	1,016	,,
B	1,001	,,
C	1,296	
D	982	
E	569	
Non-transferable papers ...	135	
Total ...	6,000	

Candidate elected as a result of transfer (Rule 9).

C has now 1,296 votes, a number which exceeds the quota, and he is accordingly declared elected.

Filling the last vacancy [Rule 13 (2)].

No further transfer is necessary, for, even if all C's surplus (295) and all G's surplus (15) were transferred to E, his total would only amount to 859.

Final result.

But D's total (982) exceeds this number and he is therefore declared elected [Rule 13 (2)].

The final result is that A, G, B, C and D are elected.

Result sheet (Rule 15).

The details of the various operations in this election are shown in the sub-joined form of the public notice or "result sheet."

Result of the poll and of the transfer of votes.

Number of valid votes 6,000
Number of members to be elected 5
Quota (number of votes sufficient to secure the election of a candidate) 1,001

Names of candidates	Votes	Transfer of A's surplus	Result	Transfer of K's votes	Result	Transfer of H's and I's votes	Result	Transfer of B's surplus	Result	Transfer of F's votes	Final result showing the names of candidates elected, and the order of their election
A	2,009	—1,008	1,001	...	1,001	...	1,001	...	1,001	...	1,001 (elected) A (1)
B	952	...	952	...	952	+119	1,071	—70	1,001	...	1,001 do B (3)
C	939	...	939	+4	943	...	943	...	943	+353	1,296 do C (4)
D	746	+129	875	...	875	+107	982	...	982	...	—982 do D (5)
E	493	+6	499	...	499	...	499	+70	569	...	569
F	341	+14	355	+89	444	...	444	...	444	—444	.....
G	157	+859	1,016	...	1,016	...	1,016	...	1,016	...	1,016 (elected) G (2)
H	152	...	152	...	152	—152	...	...	...	...	.....
I	118	...	118	...	118	—118	...	...	...	...	.....
K	93	...	93	—93	...	...	...	...	...	...	.....
Non-transferable papers not transferred.	...	...	...	...	...	+44	44	...	44	+91	135
Total ...	6,000	...	6,000	...	6,000	...	6,000	...	6,000	...	6,000

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III

Form of directions for the guidance of the Voters in voting.

The voter will go into one of the compartments, and with the pencil provided there, mark his ballot paper by writing the number 1 opposite the name of the candidate for whom he votes. He may also write the figures 2, 3 and so on, in accordance with the order of his choice or preference opposite the names of other candidates (that is to say) :—

He must write 1 in the square space opposite the name of the candidate for whom he votes.

He may also write 2 in the square space opposite the name of the candidate he likes second best, and 3 in the square space opposite the name of the candidate he likes third best and so on.

If the voter does not mark the figure 1 on his ballot paper, or marks the figure 1 opposite more than one name or marks the figure 1 and some other figure opposite the same name, or places any mark on the paper by which he may be identified, his ballot paper will be invalid and will not be counted.

After marking the ballot paper, the voter will put the paper into the ballot box and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

Note.—These directions shall be illustrated by examples of valid ballot papers, such as the following :—

Examples of ballot paper validly marked.

A

Names of candidates	Mark order of preference in spaces below
A	3
B	4
C	2
D	5
E	1
F	6

B

Names of candidates	Mark order of preference in spaces below
A	
B	1
C	
D	
E	
F	

C

Names of candidates	Mark order of preference in spaces below
A	
B	3
C	
D	1
E	
F	2

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SCHEDULE II.

Ballot procedure for determining relative precedence of non-official Bills and resolutions.

[*Rules 20 and 21.*]

1. A member giving notice of more than one Bill shall number his Bills in the order in which he desires to introduce them : provided that he may alter such order at any time within the period of notice.

2. If a member fails to intimate to the Secretary of the Council the order of priority that he assigns to his Bills they will be given an order according to the following rules ;—

(*a*) Bills carried over from the previous session will have priority over other Bills ;

(*b*) New Bills will be given the order in which they appear in the notice given of them by the member. If more than one notice is given by a member, the Bills appearing in an earlier notice will have priority over those in a later notice.

3. The Secretary will keep numbered lists for Bills. On each list the name of each member who has given notice of a Bill will be entered once.

4. There shall be separate ballots for Bills and resolutions.

5. On the ninth day previous to the commencement of the session, the ballots will be held in the office of the Council before the Secretary, and any member who wishes to attend may do so.

6. Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.

7. A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the numbered list the corresponding name which will then be entered on a priority list. The procedure will be carried out till all the numbers have been drawn.

8. Priority on the list will entitle the member to priority in moving his resolution or that Bill to which he himself has given priority under clause 1.

9. Members will have the same priority as regards the Bills to which they have given the second place under clause 1 as they have in respect of those to which they have given the first place.

10. The Chairman may, from time to time, make such variations in the procedure as he may consider necessary or convenient.

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The Mysore Gazette

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NOTICE.

The undermentioned *Mysore Gazettes* Extraordinary, were published during the week ending 27th October 1952 :—

Sl. No.	No. and date	Issued by	Subject in brief
1	1831—L.C., dated 21st October 1952.	Secretary, Mysore Legislature.	Rules of Procedure and conduct of business in Mysore Legislature.
2	MY/A—52 (95), dated 3rd October 1952.	Election Commission, India.	Disqualification.
3	MY/A—52 (97), dated 6th October 1952.	Do	Do
4	MY/A—52 (98), dated [illegible]h October 1952.	Do	Do
5	[illegible]52 (99), dated [illegible]tober 1952.	Do	Do
6	[illegible]52 (100), dated [illegible]ctober 1952.	Do	Do
7	[illegible]—52 (104), dated [illegible] October 1952.	Do	Do
8	[illegible]A—52 (105), dated [illegible]th October 1952.	Do	Do
9	MY/A—52 (107), dated 10th October 1952.	Do	Do
10	MY/A—52 (96), dated 4th October 1952.	Do	Do
11	MY/A—52 (101), dated 6th October 1952.	Do	De
12	MY/A—52 (102), dated 6th October 1952.	Do	Do
13	8147—L.A., dated 23rd October 1952.	Secretary, Mysore Legislature.	The Mysore Appropriation No. 3 Bill, 1952.
14	8139—L.A., dated 23rd October 1952.	Do	Amendment to Rules of Procedure and conduct of business of Legislative Council.
15	MY/A—52 (103), dated 6th October 1952.	Election Commission, India.	Corrigendum
16	MY/A—52 (106), dated 6th October 1952.		

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PART IV

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1263—Legis. 4-52-43, Bangalore dated, 24th October 1952.

Ordered that the Influx from Pakistan (Control) Repealing Ordinance, 1952 (Central Ordinance No. VII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 15th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE INFLUX FROM PAKISTAN (CONTROL) REPEALING ORDINANCE, 1952.

No. VII OF 1952.

An Ordinance to provide for the repeal of the influx from Pakistan (Control) Act, 1949.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

Short title and commencement.—(*1*) This Ordinance may be called the Influx from Pakistan (Control) Repealing Ordinance, 1952.

(*2*) It shall come into force at once.

2 Repeal of Act XXIII of 1949.—During the period of operation of this Ordinance, the Influx from Pakistan (Control) Act, 1949, shall be deemed to be repealed.

3. Savings.—(*1*) The repeal by this Ordinance of the Influx from Pakistan (Control) Act, 1949, shall not affect the continuance in force, according to its tenor, of any permit which is intended to continue in force beyond the date of commence-

ment of this Ordinance, and any person who commits a breach of any of the conditions of the permit or against whom a reasonable suspicion exists that he has committed such breach, may be prosecuted, punished or proceeded against under section 5 or section 7 of the Act hereby repealed as if this Ordinance had not been promulgated.

(2) For the removal of doubts it is hereby declared that the provisions contained in sub-section (1) shall be without prejudice to the general application of section 6 of the General Clauses Act, 1897 (X of 1897).

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

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PART IV

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1167—Legis. 5-52-77, Bangalore, dated 8th October 1952.

Ordered the Notification No. S.R.O. 1509, dated the 2nd September 1952 of the Ministry of Labour, the Employees' Provident Funds Scheme, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 2nd September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 2nd September 1952.

S.R.O. 1509.—In exercise of the powers conferred by section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby frames the following Employees' Provident Funds Scheme, 1952, namely :—

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952.

CHAPTER I.

PRELIMINARY.

1. *Short title and application.*—(1) This Scheme may be called the Employees Provident Funds Scheme, 1952.

(2) This Chapter and Chapters II and III shall come into force at once and the remaining provisions shall come into force on such date or dates as the Central Government may by notification in the Official Gazette appoint and different dates may be appointed for different provisions.

2. *Definitions.*—In this Scheme, unless the context otherwise requires :—

(*a*) "Act" means the Employees' Provident Funds Act, 1952 (XIX of 1952) ;

(*b*) "Board" means a Board of Trustees constituted under this Scheme ;

(*c*) "Children" means legitimate children and includes adopted children if the Commissioner is satisfied that under the personal law of the member adoption of a child is legally recognised ;

(*d*) "Commissioner" means a Commissioner for Employees' Provident Fund appointed under this Scheme ;

(*e*) "Continuous service" means uninterrupted service and includes service which is interrupted by sickness, accident, authorised leave, strike which is not illegal, or cessation of work not due to the employee's fault :

(*f*) "excluded employee" means—

(i) an employee who, having been a member of the Fund once, withdrew the full amount of his accumulations in the Fund on retirement after attaining the age of 55 years or on retirement due to total incapacity caused by bodily or mental infirmity ;

(ii) an employee whose basic wages at the time he is otherwise entitled to become a member of the Fund, exceed three hundred rupees per month ;

(iii) an employee employed by or through a contractor :

(iv) an apprentice ;

(v) an employee who by virtue of any notification issued under section 17 of the Act is exempted from the operation of this Scheme ; or

(vi) a person who has been employed in a factory to which this Scheme applies for not less than ten years and who by a declaration in writing has opted for the benefits to which he was entitled before the date of a notification issued under clause (*b*) of Section 17 of the Act.

(*g*) "family" means—

(i) in the case of a male member, the wife, children whether married or unmarried, and dependent parents of the member, and the widow and children of a deceased son of the member :

Provided that if a member proves that his wife has ceased, under the personal law governing him or the customary law of the community to which the spouses belong, to be entitled to maintenance she shall

no longer be deemed to be a part of the member's family for the purpose of this Scheme, unless the member subsequently intimates by express notice in writing to the Commissioner that she shall continue to be so regarded ; and

(ii) in the case of a female member, the husband and children of the member, the dependent parents of the member or of the husband, and the widow and children of a deceased son of the member :

Provided that if a member by notice in writing to the Commissioner expresses her desire to exclude her husband from the family, the husband and his dependent parents shall no longer be deemed to be a part of the member's family for the purpose of this Scheme, unless the member subsequently cancels in writing any such notice.

Explanation.—In either of the above two cases, if the child of a member has been adopted by another person and if, under the personal law of the adopter, adoption is legally recognised such a child shall be considered as excluded from the family of the member ;

(*h*) " Financial year " means the year commencing on the first day of April ;

(*i*) " Government Security " shall have the meaning assigned to it in the Public Debts Act, 1944 (XVIII of 1944) ;

(*j*) " Inspector " means a person appointed as such under Section 13 of the Act ;

(*k*) " Quarter " means a period of three months commencing on the first day of January, the first day of April, the first day of July and the first day of October of each year ;

(*l*) " Trustee " means a member of a Board of Trustees ; and

(*m*) All other words and expressions shall have the meanings respectively assigned to them in the Act.

CHAPTER II.

Board of Trustees.

3. *Board of Trustees.*—(1) Subject to the provisions hereinafter contained, the Fund shall vest in and be administered by a Board of Trustees (hereinafter referred to as the ' Central Board ') consisting of the following persons, namely :—

(*a*) a Chairman nominated by the Central Government ;

(*b*) three persons nominated by the Central Government ;

(*c*) nominees of such State Governments as the Central Government may having regard to the jurisdiction of the Board, specify in this behalf ;

(*d*) six persons representing employers in the industries to which this scheme applies nominated by the Central Government in consultation with the representatives of such organisations of employers as may be recognised by the Central Government for the purpose ; and

(*e*) six persons representing employees in the industries to which this scheme applies nominated by the Central Government in consultation with such organisation of employees as may be recognised by the Central Government for the purpose.

(2) The Central Government may, in consultation with the State Government, constitute for any State a Board of Trustees (hereinafter referred to as the ' State Board ') consisting of the following persons, namely :—

(*a*) a Chairman nominated by the Central Government in consultation with the State Government ;

(*b*) two persons nominated by the Central Government ;

(*c*) two persons nominated by the State Government ;

(*d*) four persons representing employers in the industries to which this scheme applies in the State nominated by the Central Government in consultation with such organisations of employers in the State as may be recognised by the purpose by the Central Governmet ; and

(*e*) four persons representing employees in the industries to which this scheme applies in the State nominated by the Central Government in consultation with such organisations of employees in the State as may be recognised for the purpose by the Central Government.

(3) Where a Board of Trustees is constituted for any State, the Central Board shall, as soon as may be, transfer to it, the amount standing to the credit of the Fund of all the employees in the State and such amount shall thereafter constitute a separate Provident Fund for that State which shall vest in and be administered by the State Board and to which shall, in future, be credited all the amounts received in accordance with the provisions of this Scheme in respect of the employees in that State.

4. *Regional Committee*.—(1) Until such time as a State Board is constituted for a State, the Central Government may set up a Regional Committee for the State, which will function under the control of the Central Board. The Regional Committee shall consist of the following persons, namely :—

(*a*) a Chairman nominated by the Central Government ;

(*b*) two persons nominated by the Central Government on the recommendation of the State Government ;

(*c*) three persons representing employers in the industries to which this scheme applies in the State nominated by the Central Government in consultation with such organisations of employers in the State as may be recognised for the purpose by the Central Government ; and

(*d*) three persons representing employees in the industries to which this scheme applies in the State nominated by the Central Government in consultation with such organisations of employees in the State as may be recognised for the purpose by the Central Government.

(2) A Regional Committee shall advise the Central Board on such matters as the Central Board may refer to it.

(3) As soon as a State Board is constituted for any State, the Regional Committee constituted for the State under this paragraph shall stand dissolved.

5. *Terms of office*.—(1) The Chairman of the Central and a State Board and that of a Regional Committee, and every Trustee of the Central and a State Board referred to in clauses (*b*) and (*c*) of sub-paragraphs (1) and (2), respectively, of paragraph 3 and every member of a Regional Committee shall hold office during the pleasure of the Central Government :

Provided that where the Central Government directs that a trustee nominated by a State Government shall cease to hold office, the State Government shall be consulted.

(2) The term of office of the trustees of the Central Board and a State Board referred to in clauses (*d*) and (*e*) of sub-paragraphs (1) and (2), respectively, of paragraph 3 shall be five years commencing from the date on which their nomination is notified in the Official Gazette :

Provided that any such trustee shall, notwithstanding the expiry of the said period of five years, continue to hold office until the nomination of his successor is notified in the Official Gazette.

(3) Any trustee referred to in sub-paragraph (2) nominated to fill a casual vacancy shall hold office for the remainder of the term of office of the trustee in whose place he is nominated.

(4) An out-going trustee shall be eligible for re-nomination.

6. *Resignation*.—A trustee of the Central Board and a member of Regional Committee may resign his office by letter in writing addressed to the Central Government and his office shall fall vacant from the date on which his resignation is accepted by the Central Government.

(2) A trustee of a State Board may resign his office by letter in writing addressed to the State Government and his office shall fall vacant from the date on which his resignation is accepted by the State Government.

7. *Cessation and restoration of Trusteeship.*—If a trustee or a member of a Regional Committee fails to attend three consecutive meetings of the Board or Committee, as the case may be, without obtaining leave of absence from the Chairman of the Board or Committee, he shall cease to be a trustee or member of the Committee :

Provided that the Central Government in the case of the Central Board and any Regional Committee and the State Government in the case of a State Board may restore him to trusteeship or membership of the Regional Committee, as the case may be, if it is satisfied that there were reasonable grounds for the absence.

8. *Disqualifications for trusteeship or membership of Regional Committee.*—(1) A person shall be disqualified for being nominated as, or for being a trustee or member of a Regional Committee :—

(i) if he is declared to be of unsound mind by a competent court ; or

(ii) if he is an undischarged insolvent ; or

(iii) if before or after the commencement of the Act he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether any person is disqualified under sub-paragraph (1), it shall be referred—

(*a*) to the Central Government if the disqualification relates to a membership of the Central Board or a Regional Committee ;

(*b*) to the State Government if the disqualification relates to membership of a State Board :

and the decision of the Central Government, or as the case may be, of the State Government on any such question shall be final.

9. *Removal from Trusteeship or membership of a Regional Committee.*—The Central Government may remove from office any trustee of the Central Board or member of a Regional Committee and the State Government may remove from office any trustee of a State Board if in its opinion such trustee or member of a Committee has ceased to represent the interest which he purports to represent on the Board or Committee, as the case may be :

Provided that no such trustee or member shall be removed unless a reasonable opportunity is given to such trustee or member and the body whom he represents, of making any representation against the proposed action.

10. *Absence from India.*—(1) Before a non-official trustee or a member of a Regional Committee leaves India :—

(*a*) he shall intimate to the Chairman of the Board or of the Committee, as the case may be, of the dates of his departure from and expected return to India, or

(*b*) if he intends to absent himself for a period longer than six months, he shall tender his resignation.

(2) If any trustee or a member of a Regional Committee leaves India for a period of six months or more without intimation to the Chairman of the Board or of the Regional Committee, as the case may be, he shall be deemed to have resigned from the Board or the Committee.

11. *Meetings.*—(1) A Board of Trustees or a Regional Committee shall, subject to the provisions of paragraph 12, meet at such place and time as may be appointed by the Chairman.

(2) The Chairman, may whenever he thinks fit, and shall within fifteen days of the receipt of a requisition in writing from not less than one-third of the members in the case of the Board and not less than three members excluding the Chairman in the case of a Committee, call a meeting thereof.

12. *Notice of meeting and list of business.*—Notice of not less than 15 days from the date of posting, containing the date, time and place of every ordinary meeting together with a list of business to be conducted at the meeting, shall be despatched by registered post or by special messenger to each Trustee or a member of the Regional Committee, as the case may be, present in India :

Provided that when the Chairman calls a meeting for considering any matter which in his opinion is urgent, a notice giving such reasonable time as he may consider necessary, shall be deemed sufficient.

13. *Chairman to preside at meetings.*—The Chairman of a Board or a Regional Committee shall preside at every meeting of the Board or the Regional Committee, as the case may be, at which he is present. If the Chairman is absent at any time, the trustees or members present shall elect one of their members to preside over the meeting and the trustee or member so elected shall exercise all the powers of the Chairman at the meeting.

14. *Quorum.*—(1) No business shall be transacted at a meeting of a Board or a Regional Committee unless at least four trustees or members of the Regional Committee are present, of whom :—

(*a*) in the case of the Central Board, at least one shall be from among those nominated under clause (*d*) and at least one from among those nominated under clause (*e*) of sub-paragraph (1) of paragraph ;

(*b*) in the case of a State Board, at least one shall be from among those nominated under clause (*d*) and at least one from among those nominated under clause (*e*) of sub-paragraph (2) of paragraph 3 ; and

(*c*) in the case of a Regional Committee, at least one shall be from among those nominated under clause (*c*) and at least one from among those nominated under clause (*d*) of sub-paragraph (1) of paragraph 4.

(2) If at any meeting the number of trustees or members of a Regional Committee is less than the required quorum, the Chairman shall adjourn the meeting to a date not later than seven days from the date of the original meeting informing the trustees or members of the Regional Committee, as the case may be, of the date, time and place of the adjourned meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of trustees or members of the Regional Committee present.

15. *Disposal of Business.*—Every question considered at a meeting of a Board or a Regional Committee shall be decided by a majority of the votes of the trustees or members of the Regional Committee present and voting. In the event of an equality of votes the Chairman shall exercise a casting vote :

Provided that the Chairman may, if he thinks fit, direct that any question shall be decided by the circulation of necessary papers to trustees or members of a Regional Committee present in India and by securing their opinions in writing. Any such question shall be decided in accordance with the opinion of the majority of trustees or members received within the time limit allowed and if the opinions are equally divided, the opinion of the Chairman shall prevail ;

Provided further that any trustee or member of a Regional Committee may request that the question referred to trustees or members of a Regional Committee, as the case may be, for written opinion be considered at a meeting of the Board or a Regional Committee and thereupon the Chairman may, and if the request is made by not less than three trustees or members of a Regional Committee, shall direct that it be so considered.

16. *Minutes of meetings.*—(1) The minutes of a meeting of a Board or a Regional Committee showing *inter alia* the names of the trustees or members of the Regional Committee present thereat shall be circulated to all trustees or members of the Regional Committee present in India not later than one month from the date of the meeting. The minutes shall thereafter be recorded in a minute book as a permanent record :

Provided that if another meeting is held within a period of one month and ten days, the minutes shall be circulated so as to reach the trustees or members at least ten days before such meeting.

(2) The records of the minutes of each meeting shall be signed by the Chairman after confirmation with such modifications, if any, as may be considered necessary at the next meeting.

17. *Acts of a Board or a Regional Committee not invalid by reason of defect in its constitution, etc.*—No act or proceeding of a Board or a Regional Committee shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of the Board or the Regional Committee as the case may be.

18. *Fees and allowances.*—(1) The travelling allowance of an official trustee or official member of a Regional Committee shall be governed by the rules applicable to him for journeys performed on official duties and shall be paid by the authority paying his salary.

(2) Every non-official trustee or non-official member of a Regional Committee shall be paid a daily allowance at the maximum rate admissible to the officers of the first grade in the service of the Central or the State Government, as the case may be, for each day on which he attends a meeting of the Board or a Regional Committee, as the case may be, and travelling allowance at 1½ railway fares of the highest class from and to his usual place of business or from and to the place the journey is actually performed whichever is less, plus road mileage at annas eight per mile for the journey not covered by railway.

Explanation.—(1) No daily or travelling allowance in respect of any day or journey, as the case may be, shall be claimed under this paragraph by a trustee or member of a Regional Committee if he has drawn or will draw allowance for the same from his employer or as a member of any Legislature or of any Committee or Conference constituted or convened by Government and no travelling allowance shall be claimed if he uses a means of transport provided at the expense of Government or his employer.

Explanation.—(II) Where the journey is performed by road between places connected by railway, road milege shall be paid only if the trustee or member of the Regional Committee certifies that the journey was undertaken by road to avoid loss of time which the journey by railway would have entailed and the distance travelled does not exceed 75 miles in a single journey.

CHAPTER III.

APPOINTMENT AND POWERS OF COMMISSIONER AND OTHER STAFF OF BOARD OF TRUSTEES.

19. *Provident Fund Commissioners.*—(1) The Central Government shall appoint a Commissioner who shall be the Chief Executive Officer of the Central Board and shall be subject to its general control and superintendence.

(2) When a State Board is constituted, the State Government shall appoint a Commissioner who shall be the Chief Executive Officer of the State Board shall be subject to its general control and superintendence.

(3) A Commissioner shall not undertake any work unconnected with his office without the previous sanction of the Central Government or the State Government, as the case may be.

(4) A Commissioner appointed under this paragraph may at any time for reasons to be recorded in writing and after he is given an opportunity of being heard, be removed by the Central Government or the State Government, as the case may be.

(5) A Commissioner shall receive such salary and allowances and shall be subject to such conditions of service as may be specified in this behalf from time to time by the Central Government or the State Government, as the case may be.

(6) A Commissioner while attending the meetings of a Board may take part in its deliberations but shall not be entitled to vote.

20. *Regional Commissioner.*—Untill the appointment of a State Commissioner, the Central Government may appoint a Regional Commissioner for any State to work under the general control and superintendence of the Central Commissioner.

21. *Opening of regional and other offices.*—A Board may, with the approval of the Government concerned, employ such staff and open such regional and local offices within the area of its jurisdiction as it may consider desirable for the proper implementation of the Scheme. It may also define the functions and duties of the regional and local offices.

22. *Secretary of a Board or a Regional Committee.*—(1) The Central Government shall appoint a Secretary to the Central Board and a Secretary to a Regional Committee and the State Government shall appoint a Secretary to the State Board if and when it is constituted.

(2) The Secretary to a Board or a Regional Committee, shall, in consultation with the Chairman, convene meetings of the Board or Regional Committee, as the case may be, keep a record of its minutes and shall take the necessary steps for carrying out the decisions of the Board or the Regional Committee as the case may be.

23. *Staff.*—(1) The Central Commissioner and a State Commissioner may employ such staff as the Chairman of the Central Board or a State Board, as the the case may be, may consider necessary for the efficient administration of the Scheme :

Provided that the sanction of the Government concerned shall be obtained for the creation of a post with a maximum salary of Rs. 500 or above if the duration of the post is likely to exceed six months :

Provided further that the appointment to a post carrying an initial monthly salary of Rs. 275 or above shall be made by the Government concerned in consultation with the Union Public Service Commission or the State Public Service Commission, as the case may be :

Provided further that references relating to all appointments made under this sub-paragraph shall be placed before the next meeting of the Central or State Board or the Regional Committee, as the case may be, for information.

(2) Subject to the provisions of this paragraph regulations regarding the method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff shall be laid down by the Central Board or the State Board, as the case may be, with the approval of the Government concerned :

Provided that the scale of pay and allowances of the members of the staff shall generally be in accordance with the scales sanctioned by the Government concerned for similar posts under its control.

24. *Power of Commissioner to sanction expenditure.*—A Commissioner may, without reference to the Board, sanction expenditure on contingencies, supplies and services and purchase of articles required for administering the Fund subject to financial provision in the budget and subject to the condition that the expenditure on any single item does not exceed Rs. 200.

25. *Powers of the Central Government until the Central Board is constituted.*—Until the Central Board is constituted, the Cental Government shall administer the Fund and may exercise any of the powers and discharge any of the functions of the Board :

Provided that on the constitution of the Central Board, the Central Government shall transfer amounts standing to the credit of the Fund to the Central Board.

CHAPTER IV

EMPLOYEES REQUIRED TO JOIN THE PROVIDENT FUND.

26. *Class of employees required to join the Fund.*—(1) Every employee, employed in a factory to which this Scheme applies, other than an excluded employee, shall be required to become a member of the Fund from the date on which the Scheme comes into force if he has on that date completed one year's

continuous service in the factory concerned. Every employee, other than an excluded employee, taking up employment, whether before or after the commencement of the Scheme, in a factory to which this Scheme applies, shall also become a member from the beginning of the month following that in which he completes one year's continuous service in the factory :

Provided that an employee who is a member of the Fund shall not cease to be a member thereof on his leaving a factory to which the Scheme applies except as provided in paragraph 27.

(2) An employee whose monthly basic wages exceed three hundred rupees after he has become a member of the Fund shall be required to continue his membership. His contribution will, however, be restricted to the maximum of one anna in the rupee on three hundred rupees and the dearness allowance admissible on this amount. This contribution shall continue to be payable by him and in respect of him by the employer.

27. *Election for continuance of membership of certain other Provident Funds.*—Notwithstanding, anything to the contrary contained in paragraph 26, a subscriber, other than an excluded employee, to a Provident Fund recognised under the Indian Income Tax Act, 1922 (XI of 1922), or to which the Provident Fund Act, 1925 (XIX of 1925), applies, shall become a member of the Fund unless he elects, by an application in Form 1 sent to the Commissioner within three months of the date on which this Scheme comes into force, to continue to subscribe to such Provident Fund and in that case he shall not be required, or be entitled, to become a member of the Fund :

Provided that the above option to continue to subscribe to an existing Provident Fund shall be allowed to an employee in a factory only if its Provident Fund Rules with respect to contributions are in conformity with, or are more favourable to employees than those specified in the Act or the Scheme.

Explanation.—In this paragraph, 'existing Provident Fund' includes a Provident Fund established in pursuance of an award under the Industrial Disputes Act, 1947, or a collective agreement between workers and employers.

28. *Transfer of accumulations from existing Provident Funds.*—(1) Every authority in charge of, or entrusted with the management of, any Provident Fund in existence on the 15th day of November, 1951, the accumulations wherein are to be transferred to the Fund under sub-section (2) of section 15 of the Act, shall, before the 1st day of January, 1953, or such later date as the Board may fix in this behalf—

(i) send to the appropriate Commissioner a statement showing the amount standing to the credit of each subscriber on the date of the transfer, the total accumulations to the credit of subscribers generally on that date and the advances, if any, taken by the subscribers.

(ii) transfer to the Fund in the manner specified in sub-paragraph (2) the total accumulations standing to the credit of the subscribers in relation to each factory, and

(iii) transfer to the Board all pass-books, books of account and other documents relating to the said accumulations.

(2) All accumulations standing to the credit of the subscribers, howsoever invested, shall be transferred to the Fund by the authority aforesaid in cash :

Provided that where the whole or any part of such accumulations consists of investments in Government securities it shall be open to the authority making the transfer to have the Government securities transferred as such to the Board at their face value or to transfer to the Board a sum equivalent to the face value of the securities.

(3) Any cash transferred under sub-paragraph (2) shall be deposited in any office or branch of the Reserve Bank of India or the Imperial Bank of India to the credit of the Board, and the receipt obtained in respect thereof shall be forwarded to the appropriate Commissioner :

Provided that where there is no office or branch of either of the Banks at the place where the factory is situated the amount shall be credited to the Board by means of a Reserve Bank of India Remittance Transfer Receipt.

(4) The accumulations transferred to the Fund in accordance with this paragraph shall be credited to the account of each of the members of the Fund, to the extent to which he may be entitled thereto having regard to the statement furnished by the authority aforesaid.

(5) When the accumulations in any such Provident Fund as is referred to in sub-paragraph (1) have been so transferred to the Fund, the appropriate Commissioner may, by notification in the Gazette of India, declare that the subscribers of such Provident Fund have now become members of the Fund and that the accumulations aforesaid have now become vested in the Board.

CHAPTER V

CONTRIBUTIONS.

29. *Contributions.*—(1) The contributions payable by the employer under the Scheme shall be at the rate of one annas in the rupee of the basic wages and the dearness allowance payable to each employee to whom the Scheme applies.

(2) The contribution payable by the employee under the Scheme shall be equal to the contribution payable by the employer in respect of such employee.

(3) The contributions shall be calculated on the basis of wages and dearness allowance actually drawn during the whole month whether paid on daily, weekly, fortnightly or monthly basis.

(4) Each contribution shall be calculated to the nearest quarter of a rupee, two annas or more to be counted as the next higher quarter of a rupee.

30. *Payment of contributions.*—The employer shall, in the first instance pay both the contribution payable by himself (in this Scheme referred to as the employer's contribution) and also, on behalf of the member employed by him, the contribution payable by the member (in this Scheme referred to as the member's contribution).

31. *Employer's share not to be deducted from the members.*—Notwithstanding any contract to the contrary the employer shall not be entitled to deduct the employer's contribution from the wage of a member or otherwise to recover it from him.

32. *Recovery of a member's share of contribution.*—(1) The amount of a member's contribution paid by the employer shall, notwithstanding the provisions in this Scheme or any law for the time being in force or any contract to the contrary be recoverable by means of deduction from the wages of the member and not otherwise:

Provided that no such deduction may be made from any wage other than that which is paid in respect of the period or part of the period in respect of which the contribution is payable:

Provided further that the employer shall be entitled to recover the employee's share from a wage other than that which is paid in respect of the period for which the contribution has been paid or is payable where the employee has in writing given a false declaration at the time of joining service with the said employer that he was not already a member of the Fund:

Provided further that where no such deduction has been made on account of an accidental mistake or a clerical error, such deduction may, with the consent in writing of the Inspector, be made from the previous wages.

(2) Deduction made from the wages of a member paid on daily, weekly or fortnightly basis should be totalled up to indicate the monthly deductions.

(3) Any sum deducted by an employer from the wage of an employee under this Scheme shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

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CHAPTER VI.

DECLARATION, CONTRIBUTION CARDS AND RETURNS.

33. *Declaration by persons already employed at the time of institution of the Fund.*—Every person who is required or entitled to become a member of the Fund shall be asked forthwith by his employer to furnish and shall, on such demand, furnish to him, for communication to the Commissioner, particulars concerning himself and his nominee required for the declaration form in Form 2. Such employer shall enter the particulars in the declaration form and obtain the signature or thumb impression of the person concerned.

34. *Declaration by persons taking up employment after the Fund has been established.*—The employer in relation to a factory shall, before taking any person into employment, ask him to state in writing whether or not he is a member of the Fund and if he is, ask for the Account Number and/or the name and particulars of the last employer. If he is unable to furnish the Account Number, he shall, require such person to furnish and such person shall, on demand, furnish to him for communication to the Commissioner, particulars regarding himself and his nominee required for the Declaration Form. Such employer shall enter the particulars in the Declaration Form and obtain the signature or thumb impression of the person concerned.

35. *Preparation of Cantribution Cards.*—The employer shall prepare a contribution card in Form 3 or 4, as may be appropriate, in respect of every employee in his employment at the commencement of the Scheme or who is taken into employment after that date and who is required or entitled to become or is a member of the fund including those who produce an Account Number and in respect of whom no fresh Declaration Form is prepared.

36. *Duties of Employers.*—(1) Every employer shall send to the Commissioner, within fifteen days of the commencement of this Scheme, a consolidated return in such form as the Commissioner may specify, in duplicate, of the employees required or entitled to become members of the Fund showing the basic wage and dearness allowance including the cash value of any food concession paid to each of such employees.

(2) Every employer shall send to the Commissioner within fifteen days of the close of each month a return—

(*a*) in duplicate, in Form 5, of the employees qualifying to become members of the Fund for the first time during the preceding month together with the declarations in Form 2 furnished by such qualifying employees and with a statement showing the basic wages and dearness allowance including the cash value of any food concession of each such employee, and

(*b*) in duplicate, in such form as the Commissioner may specify, of the employees leaving service of the employer during the preceding month.

(3) Every employer shall send to the Commissioner within fifteen days of the commencement of every half year, beginning from 1st April and 1st October, a consolidated return in duplicate to replace the one furnished under sub-paragraph (1) above.

(4) Every employer shall maintain such accounts in relation to the amounts contributed to the Fund by him and by his employees as the Board may, from time to time, direct, and it shall be the duty of every employer to assist the Board in making such payments from the Fund to his employees as are sanctioned by or under the authority of the Board.

(5) Notwithstanding anything hereinbefore contained in this paragraph, the Board may issue such directions to employers generally as it may consider necessary or proper for the purpose of implementing the Scheme, and it shall be the duty of every employer to carry out such directions.

37. *Allotment of Account Numbers.*—On receipt of the information referred to in paragraphs 33, 34 and 36, the Commissioner shall promptly allot an Account Number to each employee qualifying to become a member and shall communicate the Account Number to the member through the employer.

38. *Mode of payment of contributions.*—(1) The employer shall, before paying the member his wages in respect of any period or part of period for which contributions are payable, deduct the employee's contribution from his wages which together with his own contribution as well as an administrative charge of such percentage of the total employer's and employees' contributions as may be fixed by the Central Government, he shall within fifteen days of the close of every month pay to the Fund by separate Bank drafts or cheques on account of contributions and administrative charge :

Provided that if payment is made by a cheque on an outstation bank, collection charges in respect of both the contributions and the administrative charge at such rate as the Board may determine in this behalf shall be included in the amount for which the cheque is drawn in respect of the administrative charge :

Provided further that where there is no branch of the Reserve Bank or the Imperial Bank of India at the station where the factory is situated, the employer shall pay to the Fund the amount mentioned above by means of Reserve Bank of India Remittance Transfer Receipts separately on account of contributions and administrative charge.

(2) The employer shall forward to the Commissioner, within fifteen days of the close of the month, a monthly consolidated statement, in such form as the Commissioner may specify, showing recoveries made from the wages of each employee and the amount contributed by the employer in respect of each such employee.

39. *Fixation of administrative charges.*—The Central Government may, in consultation with the Central Board and having regard to the resources of the Fund available for meeting its normal administrative expenses, fix the percentage of administrative charges payable under sub-paragraph (1) of paragraph 38 above.

40. *Contributions to be entered in the contribution card.*—The amount recovered every month from the wages of an employee as well as the contribution made by the employer in respect of each such employee shall be entered by the employer every month in the contribution card opened in the name of each member under this Scheme.

41. *Currency of contribution cards.*—The contribution cards issued under this Scheme shall be current for one year :

Provided that the said period of one year may commence and terminate at such different times in different factories as may be decided by the Commissioner from time to time :

Provided further that the cards issued in respect of the first contribution period may be for a period which may be less or more than a year.

42. *Renewal of contribution cards.*—An employer shall, on or before the expiration of the period of currency of the contribution card, prepare in respect of each member employed by him a card in Form 3 or 4 as may be appropriate, for the next period of currency.

43. *Submission of contribution cards to the Commissioner.*—Every employer shall within one month from the date of expiration of the period of currency of the contribution cards in respect of members employed by him, send the contribution cards to the Commissioner together with a statement in Form 6.

44. *Custody of contribution cards.*—The employer shall retain in his custody the contribution cards in respect of each member employed by him and shall take every precaution against loss or damage of the contribution cards.

45. *Inspection of cards by members.*—Any member making a request in this behalf to the employer shall be permitted to inspect his cards himself or to have

the same inspected by any person duly authorised by him in writing to do so, within 72 hours of making such request provided that no such request shall be entertained more than once in every two calendar months.

46. *Production of cards and records for inspection by the Commissioner or Inspector.*—Every employer shall, whenever the Commissioner or any other officer authorised by him in this behalf or an Inspector so requests, either in person or by notice in writing, produce before the Commissioner, Officer, or Inspector, as the case may be, the records of any member employed by him and any card then in his possession, and if so required, by the said Commissioner, Officer or Inspector shall deliver such record to the said Commissioner, Officer or Inspector, who may, if he thinks fit, retain the record provided that he shall grant a receipt for every record retained by him.

47. *Supply of cards and forms to employers.*—The Commissioner shall supply to employers, free of charge on demand contribution cards, declaration Forms and other forms referred to in this Scheme :

Provided that if any employer desires to obtain any cards or forms in excess of the number with the Commissioner considers to be the requirements of the employer, the Commissioner may, if he thinks fit, supply such extra cards or forms and make such charge therefor as he considers reasonable.

48. *Current Account.*—The Commissioner shall deposit the Bank drafts or cheques received from the employers in the Reserve Bank or the Imperial Bank of India in the Current Account of the Fund.

CHAPTER VII.

Administration of the Fund, Accounts, and Audit

49. *Administration Accounts.*—(1) A separate account shall be kept called the "Central Administration Account" for recording all administrative expenses of the Fund including such administrative charges as the Fund may be authorised to levy.

(2) A State Board when constituted shall meet the expenses referred to in paragraph 54 (2) (*b*) and after keeping such reserve as the Central Government may specify, shall remit the balance to the Central Board for meeting its expenditure. The balance so remitted shall be credited to the " Central Administration Account ".

50. *Provident Fund Account.*—The aggregate amount received as the employers' and the employees' contributions to the Fund shall be credited to an account to be called the " Provident Fund Account ".

51. *Interest Suspense Account.*—All interest, rent, and other income realised, and net profits or losses, if any, from the sale of investments not including therein the transactions of the Administration Account, shall be credited or debited, as the case may be, to an account called the " Interest Suspense Account". Brokerage and commission on the purchase and sale of securities and other investments shall be included in the purchase or sale price, as the case may be, and not separately charged to the " Interest Suspense Account ".

52. *Investment of monies belonging to Employees' Provident Fund.*—(1) All monies belonging to the Fund shall be deposited in the Reserve Bank or the Imperial Bank of India or in such other scheduled Banks as may be approved by the Central Government from time to time or shall be invested, subject to such directions as the Central Government may from time to time give, in the securities mentioned or referred to in clauses (*a*) to (*d*) of Section 20 of the Indian Trusts Act, 1882 (II of 1882), provided that such securities are payable both in respect of capital and in respect of interest in India.

(2) All expenses incurred in respect of, and loss, if any, arising from, any investment shall be charged to the Fund.

(3) The Commissioner shall prepare, in Form '7' a classified summary of the Assets of the Fund as on the 31st March in each year, or on such other date as the Central Government may specify and shall append it to the annual report submitted under paragraph 74 to the Government concerned and also to the Central Government where it is not the Government concerned.

53. *Disposal of the Fund.*—(1) Subject to the provisions of the Act and of this Scheme, the Fund shall not, except with the previous sanction of the Central Government, be expended for any purpose other than for the payment of sums standing to the credit of individual members of the Fund or to their nominees or heirs or legal representatives in accordance with the provisions of this Scheme.

(2) The Fund shall be operated upon by such officers as may be authorised in this behalf by the Board concerned.

54. *Expenses of Administration.*—(1) Until State Boards are constitued all expenses relating to the administration of the Fund including those incurred on Regional Committees shall be met from the Fund.

(2) When State Boards are constituted, the following provisions shall apply, namely :—

(*a*) Subject to the provisions of the Act and of this Scheme, all expenses of administration of the Central Fund including the fees and allowances, of the trustees of the Central Board and salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident fund and other benefit funds instituted for the officers and servants of the Central Board, the cost of audit of the accounts, legal expenses and cost of all stationery and forms incurred in respect of the Central Board and expenses in respect of the Central Commissioner shall be met from the Central Administration Account of the Fund.

(*b*) All expenses of administration of the State Fund including the fees and allowances of the trustees of the State Board and salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident and other benefit funds in respect of the officers and servants of the State Board, the cost of audit of accounts, legal expenses and cost of all stationery and forms shall be met from the State Administration Account.

(3) The expenses incurred by the Central Government in connection with the establishment of tho Fund shall be treated as a loan and such loan shall be repaid from the Central Administration Account.

55. *Forms of Accounts.*—The Accounts of the Fund including "the Administration Account" shall be maintained by the Commissioner in such form and manner as may be specified by the appropriate Board with the approval of the Government concerned.

56. *Audit.*—(1) The accounts of the Fund, including the Administration Account shall be audited in accordance with the instructions issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The charges on account of audit shall be paid out of the Administration Account.

57. *Inter-State transfer of members.*—Where a member of the Fund ceases to reside in any State and settles in another State, he may apply to the Commissioner of the State Fund within whose jurisdiction he was originally residing in such form as the Commissioner may specify for a transfer of his account to the State Fund in which he takes up residence.

58. *Budget.*—(1) The Commissioner shall place before the appropriate Board each year in the first fortnight of January, a budget showing separately the probable receipts from the contributions and from the levy of administrative charges and the expenditure which it proposes to incur during the following financial year. The budget as approved by the Board shall be submitted for sanction to the Government concerned within a month of its being placed before the Board.

(2) The Government concerned may make such modifications in the budget as it considers desirable before sanctioning it.

59. *Members' Accounts.*—(1) An account shall be opened in the office of the Fund in the name of each member in which shall be credited :—

(*a*) his contributions,

(*b*) the contributions made by the employer in respect of him, and

(*c*) interest as provided in paragraph 60.

(2) All items of account shall be calculated to the nearest quarter of a rupee—two annas or more to be counted as the next higher quarter of a rupee and fractions of a rupee less than two annas to be ignored.

(3) On receipt of the contribution card or cards of a member from his employer or employers at the end of the period of currency of the contribution card, the Commissioner shall compare the entries made in the contribution card or cards with those made in the member's individual account in the office of the Fund and shall rectify any discrepancy found in these entries.

60. *Interest.*—(1) The Commissioner shall credit to the account of each member interest at such rate as may be determined by the Central Government in consultation with the Central Board.

(2) Interest for the period of currency of the card shall be credited with effect from the last day of the period on the opening balance at the credit of the member on the first day thereof :

Provided that, when the amount standing to the credit of the member becomes payable, interest shall thereupon be credited under this sub-paragraph only for the period from the beginning of the current period up to the end of the month preceding the date of tender of payment or up to the end of the sixth month after the month in which the amount has become payable, whichever is earlier :

Provided further that the rate of interest to be allowed on claims for refund for the broken currency period shall be the rate fixed for the financial year in which the refund becomes payable.

(3) The aggregate amount of interest credited to the accounts of the members shall be debited to " Interest Suspense Account ".

(4) In determining the rate of interest, the Central Government shall satisfy itself that there is no overdrawal on the Interest Suspense Account as a result of the debit thereto of the interest credited to the accounts of members.

CHAPTER VIII.

Nominations, Payments and Withdrawals from the Fund.

61. *Nomination.*—(1) Each member shall make in his declaration in Form 2, a nomination conferring the right to receive the amount that may stand to his credit in the Fund in the event of his death before the amount standing to his credit has become payable, or where the amount has become payable before payment has been made.

(2) A member may in his nomination distribute the amount that may stand to his credit in the Fund amongst his nominees at his own discretion.

(3) If a member has a family at the time of making a nomination, the nomination shall be in favour of one or more persons belonging to his family. Any nomination made by such member in favour of a person not belonging to his family shall be invalid.

(4) If at the time of making a nomination the member has no family, the nomination may be in favour of any person or persons but if the member subsequently acquires a family, such nomination shall forthwith be deemed to be invalid and the member shall make a fresh nomination in favour of one or more persons belonging to his family.

(5) A nomination made under sub-paragraph (1) may at any time be modified by a member after giving a written notice of his intention of doing so in Form 8 annexed hereto. If the nominee predeceases the member, the interest of the nominee shall revert to the member who may make a fresh nomination in respect of such interest.

(6) A nomination or its modification shall take effect to the extent that it is valid on the date on which it is received by the Commissioner.

62. *Withdrawals from the Fund for payment towards Insurance Policies.*—Any amount with interest thereon standing to the credit of a member in the account of the fund may be withdrawn not more than once in every six months to make a payment towards a policy of life insurance :

Provided that the withdrawal shall not be permitted before the details of the proposed policy have been submitted to the Commissioner in such form as he may specify and accepted by him as suitable. Nor shall the withdrawal be permitted in excess of the amount required to pay a premium or subscription actually due for payment within six months of the date of withdrawal :

Provided further that no amount may be withdrawn to make any payment in respect of, or for the purpose of purchasing, an educational endowment policy if that policy is due for payment in whole or part before the member attains the age of 55 years :

Provided further that the amount withdrawn shall not exceed the total contributions of the member up to the date of withdrawal.

63. *Commissioner to be satisfied regarding the utilisation of amounts withdrawn.*—(1) A member desiring to withdraw any amount under paragraph 62 shall—

(*a*) intimate the reason for the withdrawal to the Commissioner ;
(*b*) make arrangements with the Commissioner for the withdrawal ;
(*c*) send to the Commissioner, within such period as he may require, a receipt in order to satisfy him that the amount withdrawn was duly applied for the specified purpose.

(2) The Commissioner shall order the recovery of any amount withdrawn, in respect of which he is not satisfied that the amount withdrawn was actually spent for the specified purpose, with interest thereon at the rate provided in para 60 from the emoluments of the member and credit it to his account in the Fund.

64. *Assignment of Policies to the Fund.*—(1) The policy, within six months after the first withdrawal in respect of it, shall be assigned to the appropriate Board as security for the payment of the amount withdrawn and shall be delivered to the Commissioner.

(2) The Commissioner shall, before allowing withdrawal in respect of old policies, satisfy himself by reference to the Insurance Company that no prior assignment of the policy exists and the policy is free from all encumbrances.

(3) The terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Commissioner to whom the details of the alteration or of the new policy shall be furnished in such form as he may specify.

(4) If the policy is not assigned and delivered, any amount withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in paragraph 60, forthwith be repaid by the member to the Fund, or in default be ordered by the Commissioner to be recovered by deduction from the emoluments of the member in such instalments as he may determine.

(5) A policy to be acceptable under this paragraph shall be effected by the member on his own life and shall be such as may be legally assigned by the member to the appropriate Board.

65. *Bonus to be adjusted against the withdrawal.*—A member shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy the member has no option to refrain from drawing during its currency shall be paid by him forthwith into the Fund to be adjusted against the amount withdrawn, or in default be recovered by deduction from his emoluments by such instalments as the Commissioner may determine.

66. *Re-assignment of Policies.*—(1) When the member—

(*a*) permanently retires from service in the industry to which this scheme applies after the attainment of the age of superannuation ; or

(*b*) retires on account of permanent and total incapacity for work in any industry to which this scheme applies due to bodily or mental infirmity as provided in sub-para (1) (*b*) of para 69 ; or

(*c*) is permitted by the Board or where so authorised, by the Board, the Commissioner under sub-para (2) of para 69 to withdraw the amount standing to his credit in the Fund ; or

(*d*) repays to the Fund the whole of any amount withdrawn from the Fund for any of the purposes mentioned in paragraph 62 with interest thereon at the rate provided in paragraph 60,

the Board shall reassign the policy to the member and make it over to him together with a signed notice of the re-assignment addressed to the Insurance Company.

(2) If the member dies before quitting service, the Board shall reassign the policy to the beneficiary, if any, or to such person as may be legally entitled to receive it and shall make over the policy to the beneficiary or to such persons together with a signed notice of the re-assignment addressed to the Insurance Company.

67. *Repayment of the amount withdrawn.*—If a policy assigned to the Board matures or otherwise falls due for payment before the member quites service, the Board shall—

(i) if the amount assured together with the amount of any accrued bonus is greater than the whole of the amount withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in paragraph 60, re-assign the policy to the member and make it over to him who shall immediately on receipt of the policy monies from the Insurance Company repay to the Fund the whole of any amount withdrawn with interest.

(ii) if the amount assured together with the amount of any accured bonus is less than the whole of the amount withdrawn with interest, realise the amount assured together with any accured bonus and shall place the amount so realised to the credit of the member in the Fund.

68. *Recovery of the amount withdrawn in certain cases.*—The provisions of sub-paragraph (4) of paragraph 64 applicable to a failure to assign and deliver a policy shall apply—

(i) if the policy lapses or is assigned, otherwise than to the Board charged or encumbered ; or

(ii) if the member does not repay the whole of the amount withdrawn with interest under sub-paragraph (1) of para 67.

69. *Circumstances in which accumulations in the Fund are payable to a member.*—(1) A member may withdraw the full amount standing to his credit in the Fund—

(*a*) on retirement from service in the industry at any time after the attainment of the age of superannuation :

Provided that if at the time of retirement such member, not being a member who has reached the age of 50 or above at the commencement of this Scheme, has not completed five years as a member of the Fund the employer's contribution and interest thereon shall be forfeited to the Fund; or

(*b*) on retirement on account of permanent and total incapacity for work in any industry due to bodily or mental infirmity duly certified by a registered medical practitioner or the medical officer of the factory.

(2) The Board or where so authorised by the Board, the Commissioner may permit a member, who has not attained the age of superannuation, to withdraw the amount standing to his credit in the Fund; if—

(*a*) he is migrating from India for permanent settlement abroad:

Provided that the amount shall be paid to him only immediately before the date of migration; or

(*b*) he has not been employed in any factory to which this Scheme applies for a continuous period of not less than one year immediately preceding the date on which he makes an application for withdrawal:

Provided that a certificate, from such authority as may be specified, of non-employment for a period of one year in any factory to which the Scheme applies is produced.

(3) When a member withdraws any amount under sub-paragraph (2), the following provisions shall apply, namely.—

(i) the full amount of the employer's contribution and interest thereon shall be forfeited to the Fund if the period of his membership of the Fund is less than 5 years; or

(ii) half the amount of the employer's contribution and interest thereon shall be forfeited to the Fund if the period of membership is 5 years or more but less than 10 years; or

(iii) forty per cent, of the employer's contribution and interest thereon shall be forfeited to the Fund if the period of membership is 10 years or more but less than 15 years; or

(iv) twenty-five per cent, of the employer's contribution and interest thereon shall be forfeited to the Fund if the period of membership is 15 years or more but less than 20 years.

(4) A member who withdraws the amount under sub-paragraph (2) shall be required to join as a new member of the Fund if he obtains employment again in a factory to which this Scheme is applicable and qualifies again for the membership of the Fund.

(5) Any sum forfeited to the Fund under sub-paragraphs (1) and (2) shall not be returned to the employer but shall be credited to the "Reserve Account" of the Fund.

Explanation I.—In computing the period of membership of the Fund under this paragraph, there shall be included any continuous service, ending with the commencement of this Scheme, during which the person concerned was employed with the same employer irrespective of the fact whether during such period he was or was not a member of any other Provident Fund.

Explanation II.—For the purpose of this paragraph a member shall be deemed to have attained the age of superannuation on completing the age of 55 years.

70. *Accumulations of a deceased member—to whom payable.*—On the death of a member before the amount standing to his credit has become payable, or where the amount has become payable before payment has been made—

(i) if a nomination made by the member in accordance with paragraph 61 subsists, the amount standing to his credit in the Fund or that part thereof to which the nomination relates, shall become payable to his nominee or nominees in accordance with such nomination; or

(ii) if no nomination subsists or if the nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall become payable to the members of his family in equal shares:

Provided that no share shall be payable to—

(*a*) sons who have attained majority:

(*b*) sons of a deceased son who have attained majority;

(*c*) married daughters whose husbands are alive;

(*d*) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in clauses (*a*), (*b*), (*c*) and (*d*):

Provided further that the widow or widows, and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the member and had not attained the age of majority at the time of the member's death.

(iii) In any case to which the provisions of clauses (i) and (ii) do not apply the whole amount shall be payable to the person legally entitled to it.

Explanation —For the purpose of this paragraph a member's posthumous child, if born alive, shall be treated in the same way as a surviving child born before the member's death.

71. *Deductions from the account of member dismissed for serious and wilful misconduct.*—(1) Notwithstanding anything contained in paragraph 69, if a member is dismissed by an employer in a factory to which this Scheme applies for serious and wilful misconduct, the employer may send intimation thereof to the Board and the Board or where so authorised by the Board, the Commissioner shall have the power to forfeit the employer's contribution upto a maximum of the employer's contribution in the last two complete periods of currency of the contribution cards and that of the period of currency of the current contribution card.

(2) Before exercising the power of forfeiture conferred ..... by sub-paragraph (1), the member concerned shall be called upon by notice in writing to show cause why the forfeiture shall not be made and shall decide the amount of forfeiture after taking into account any representation made by the member.

(3) A forfeiture made under sub-paragraph (1) may be reviewed by the said Board either of its own motion or at the request of the employer or the member.

(4) Any amount forfeited from the individual account of a member under sub-paragraph (1) shall not be returned to the employer but shall be credited to the Reserve Account of the Fund.

72. *Payment of Provident Fund.*—(1) When the amount standing to the credit of a member, or the balance thereof after any deduction under paragraphs 69 and 71 becomes payable, it shall be the duty of the Commissioner to make prompt payment as provided in this Scheme. He shall close the account of the member and give notice in writing to the person to whom the amount is payable, specifying the amount and tendering payment thereof. In case there is no nominee in accordance with this Scheme, the Commissioner may, if the amount to the credit of the Fund does not exceed Rs. 300 and if satisfied after enquiry about the title of he claimant, pay such amount to the claimant.

(2) If any portion of the amount, which has become payable, is in dispute or doubt, the Commissioner shall make prompt payment of that portion of the amount in regard to which there is no dispute or doubt, the balance being adjusted as soon as may be possible.

(3) If the person to whom any amount is to be paid under this Scheme is a minor or a lunatic for whose estate a guardian under the Guardians and Wards Act, 1890 (VIII of 1890), or a manager under the Indian Lunacy Act, 1912 (IV of 1912), as the case may be, has been appointed, the payment shall be made to

such guardian or manager. In case no such guardian or manager has been appointed, the payment shall be made to such person as the Commissioner, where the amount does not exceed Rs. 500 or the Chairman or the Board if the amount exceeds Rs. 500 but does not exceed Rs. 1,000, considers to be the proper person representing the minor or lunatic and the receipt of such person for the amount paid shall be a sufficient discharge thereof. In any other case the amount shall be paid to the person authorised by law to receive the payment on behalf of the minor or the lunatic.

(4) If it is brought to the notice of the Commissioner that a posthumous child is to be born to the deceased member he shall retain the amount which will be due to the child in the event of its being born alive, and distribute the balance. If subsequently no child is born or the child is still born, the amount retained shall be distributed in accordance with the provisions of paragraph 70.

(5) Any person who desires to claim payment under this paragraph shall send a written application to the Commissioner, who may, at the option of the person to whom payment is to be made, make the payment—(i) by postal money order at the cost of the payee, or (ii) by crossed cheque sent through post, or (iii) by deposit in the payee's postal savings bank account, if any.

73. *Annual statement of member's account.*—(1) As soon as possible after the close of each period of currency of contribution card the Commissioner shall send to each member through the employer of the factory in which he was last employed a statement of his account in the Fund showing the opening balance at the beginning of the period, amount contributed during the year, the total amount of interest credited at the end of the period or debited in the period and the closing balance at the end of the period.

(2) Members should satisfy themselves as to the correctness of the annual statement and any error should be brought to the notice of the Commissioner within six months of the receipt of the statement.

CHAPTER IX.

MISCELLANEOUS.

74. *Annual Report on the working of the Scheme.*—(1) Every Board shall submit to the Government concerned by the 30th June each year a report on the working of the Employees' Provident Fund Scheme during the previous financial year.

(2) Every State Board shall also forward to the Central Government and the Central Commissioner a copy of the annual report submitted to the State Government concerned.

75. *Issue of copies of Member's Accounts, Annual Reports, etc.*—The Commissioner shall furnish copies of the member's account and of the annual reports of the Fund to any employer or member on written application and on payment of such fees and subject to such conditions as may be specified by the appropriate Board in this behalf.

76. *Punishment for failure to pay contributions, etc.*—If any person—

(*a*) fails to pay any contribution which he is liable to pay under this Scheme, or

(*b*) deducts or attempts to deduct from the wages or other remuneration of a member the whole or any part of the employer's contribution, or

(*c*) fails or refuses to submit any return, statement or other document required by this Scheme or submits a false return, statement or other document, or makes a false declaration, or

(*d*) obstructs any Inspector or other official appointed under the Act or this Scheme in the discharge of his duties or fails to produce any record for inspection by such Inspector or other official, or

(*e*) is guilty of contravention of or non-compliance with any other requirement of this Scheme,

he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both.

77. *Conduct of business of the Board.*—(1) All orders and other instruments shall be made and executed in the name of the Board and shall be authenticated by such person and in such manner as the Board may specify.

(2) All contracts and assurances of property shall be expressed to be made by the Board and shall be executed on behalf of the Board by the Commissioner.

78. *Power to issue directions.*—(1) The Central Government may, from time to time, issue such directions to State Governments, the Central Board or any other authority, under this Act or Scheme as it may consider necessary for the proper implementation of the Scheme or for the purpose of removing any difficulty which may arise in the administration thereof including difficulties in the matter of payment of accumulations in the Fund to members after they cease to be such members.

(2) Subject to the general control of the Central Government, the State Government may issue any such directions to the State Board.

(3) The authority to whom any directions are issued under this paragraph shall comply with such directions.

———

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FORM 1

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

(Election under paragraph 27 of the Scheme)

I hereby elect to continue to be a member of the————————————
————Provident Fund of which I am at present a member.

1. Name————————————————————————
(in block letters)

2. Occupation————————————————————

3. Sex———————————— 4. Religion————————

5. Father's name————————————————————

6. Husband's name (for married women only)————————————

7. Permanent Address————————————————

8. Name of Provident Fund of which he/she is already a member————

I declare that all the particulars stated above are true to the best of my knowledge and belief.

Dated————————,

The————————195 .

Signature or left hand thumb impression of person employed.

Crtified that the above declaration has been signed by————————
————————employed in*————————————
————————before me and that he/she is a member of the————
Provident Fund, a fund † recognised under the Income-tax Act, 1922.

to which the Provident Funds Act, 1925, applies.

Dated,————————,

The————————195 .

Signature of the Manager or other authorised officer of the Factory.

Registered No. of the Factory————————

* Here give the name and address of the Factory in which employed.
† Score out the portion not applicable.

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FORM 2

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

Declaration and Nomination Form

[*Paragraphs* 33 *and* 61(1)]

1. Name (in block Capitals)————Surname————
2. Caste————
3. Sex————
4. Religion————
5. Occupation————Shop/Establishment/Department————
6. Height————
7. Father's name————
8. Husband's name————
   (for married women only).
9. Marital status————
   (whether bachelor, spinster, married, widow of widower).
*10. Date of birth : Day————month————year————
11. Marks of Identification————
12. Permanent Address————
    Village————Thana————Taluk/Sub-Division————
    District————State————

I declare that I have not previously been a member of the Employees' Provident Fund and I hereby nominate the person/s mentioned below to receive the amount standing to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of the nominee or nominees	Nominee's relationship with the member	Age of nominee	Amount or share of accumulations in the fund to be paid to each nominee	Contingencies on the happening of which the nomination shall become invalid
1	2	3	4	5

Dated———

Signature or left hand thumb impression of the member.

Certified that the above declaration has been signed by————employed in my factory before me after he has read the entries.

————

the entries have been read over to him by me.

Signature of the Manager or other authorised officer.

Regd. No. of Factory.

Dated————

Designation————

Name and address of the Factory.

* Where exact particulars are not available, approximate age may be indicated in consultation with the Medical Officer of the Factory.

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FORM 3

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

(*Paragraphs* 35 *and* 42)

Contribution Card for monthly paid employees for the period from———— to————

1. Account No. ————
2. Name (in block capitals)————Surname————
3. Caste————
4. Sex————
5. Date of birth as given in Form 2————
6. Occupation————
7. Father's name————
8. Husband's name————
   (for married women only)
9. Marital status————
   (whether bachelor, spinster, married, widow or widower)
10. Permanent Address————
    Village————Thana————Taluk/Sub-Division————
    District————State————
11. Signature or left hand thumb impression of member————
12. Signature of person preparing the card————
13. Signature of the Manager of the Factory————
14. Registered Number of the Factory————
15. Name and address of the Factory————

Particulars of employment

Registered number of Factory	Period of employment		Remarks	Initial of the employer's authorised clerk
	From	To		

The employer's and member's contributions should be shown separately for each month		Month 1	Month 2	Month 3	Month 4
	Employer's				
	Member's				
	Total				
	Amount refunded				

Month 5	Month 6	Month 7	Month 8	Month 9

Month 10	Month 11	Month 12

	Rs.	As.
Total contribution by the employer.		
Total contribution by the member.		
Grant Total		
Amount refunded.		

Signature of the employer's Head Clerk or any authorised clerk.
Checked and found correct.

Authorised official of the office of the Commissioner.

FORM 4 567

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

(*Paragraphs* 35 *and* 42)

Contribution Card for employees other than monthly paid employees for the period from ———————— to ————————

1. Account No. ————————
2. Name (in block capitals) ———————— Surname ————————
3. Caste ————————
4. Sex ————————
5. Date of birth as given in Form 2 ————————
6. Occupation ————————
7. Father's name ————————
8. Husband's name ————————
   (for married women only)
9. Marital status ————————
   (whether bachelor, spinster, married, widow or widower)
10. Permanent Address ————————
    Village ———————— Thana ———————— Taluk/Sub-Divison ————
    District ———————— State ————————
11. Signature or left hand thumb impression of member ————————
12. Signature of person preparing the card ————————
13. Signature of the Manager of the Factory ————————
14. Registered Number of the Factory ————————
15. Name and address of the Factory ————————

Particulars of employement

Registered number of Factory	Duration of employment		Remarks	Initials of the employer's authorised clrerk
	From	To		

The employer's and member's contribution shuld be shown separately for each week				Week 1	Week 2	Week 3	Week 4	Week 5
			Employer's Member's Total Amount refunded					

Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14
Week 15	Week 16	Week 17	Week 18	Week 19	Week 20	Week 21	Week 22	Week 23
Week 24	Week 25	Week 26	Week 27	Week 28	Week 29	Week 30	Week 31	Week 32
Week 33	Week 34	Week 35	Week 36	Week 37	Week 38	Week 39	Week 40	Week 41
Week 42	Week 43	Week 44	Week 45	Week 46	Week 47	Week 48	Week 49	Week 50
Week 51	Week 52							

	Rs.	As.
Total contribution by the employer.		
Total contribution by member.		
Grand Total Amount refunded		

Signature of the employer's Head Clerk or any authorised clerk.

Checked and found correct.

Authorised official of the office of the Commissioner.

FORM 5

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

[*Paragraph 36 (2) (a)*]

Return of employees qualifying for membership of the Employees' Provident Fund for the first time during the month of——————19 .

(To be sent to the Commissioner in duplicate with Form 2)

Name and address of the factory——————

Registered No. of the factory——————

Serial No.	Name of the employee (in block capitals)	Father's name (or husband's name in case of married woman)	Sex	Basic monthly wages	Monthly dearness and other allowances including cash value of food concessions	Total wages	Account No. (to be filled up by the Commissioner *vide* paragraph 37)	Remarks

Dated——————

Signature of the Manager of the Factory.

FORM 6

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

(*Paragraph 43*)

Return of Contribution Cards sent to the Commissioner on the expiry of the period of currency from the——————195 , to the——————195 .

(To be sent in duplicate)

Name and address of the factory——————

Registered No. of the factory——————

Serial No.	Account No.	Name of the member (in block capitals)	Total Contribution	Amount refunded	Remarks	Space for use in the Commissioner's office
			Rs. As.	Rs. As.		

Total Amount of contributions .

Total Amount refunded .

Total number of cards sent——————

Dated——————

Signature of the Manager of the Factory.

FORM 7

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

[*Paragraph 52 (3)*]

Classified summary of the assets of the Employees' Povident Fund for the year———

Class of Assets	Book value as per (*a*) below	Market value as on...19... as per (*b*) below	Remarks as per (*c*) below
	Rs.	Rs.	Rs.
1. Government of India Securities ...			
2. Indian State Government Securities.			
3. Indian Municipal Port and Improvement Trust Securities including debentures.			
4. Debentures of Indian Railways ...			
5. Guaranteed and preference shares of Indian Railways.			
6. Annuities of Indian Railways ...			
7. Ordinary shares of Railways in India.			
8. Other debentures of concerns in India.			
9. Other guaranteed and preference shares of concerns in India.			
10. Other ordinary shares of concerns in India.			
11. Cash on deposit in Banks ...			
12. Cash in hand and on current account in Banks.			
13. Other assets (to be specified) ...			

The summary shall show :

(*a*) the value for which credit is taken in the accounts for each of the abovementioned classes of assets.

(*b*) the market value of such of the abovementioned classes of assets as has been ascertained from published quotations.

(*c*) how the value of such of the abovementioned classes of assets as has not been ascertained from published quotations has been arrived at.

Signature of the Commissioner.

FORM 8

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

[*Paragraph 61 (5)*]

I——————————————————hereby cancel the nomination made by me on the——————————as regards the disposal, in the event of my death, of the amount standing to my credit in the Employees' Provident Fund and hereby nominate the person/s mentioned below to receive the amount standing to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of the nominee or nominees	Nominee's relationship with the member	Age of nominee	Amount or share of accumulations in the Fund to be paid to each nominee	Contingencies on the happening of which the nomination shall become invalid
1	2	3	4	5

Date——————

Signature or left hand thumb impression of member.

Certified that the above declaration has been signed before me by——————
——————employed in——————

Registered No. of the Factory.

Signature of the Manager of the Factory.

[No. P.F. 501 (5).]

SADASHIVA PRASAD,
Dy. Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

ELECTION COMMISSION, INDIA.

NOTIFICATION.

Notification No. MY-A—52 (108), dated October 15, 1952.

1-AURANGZEB ROAD,
NEW DELHI,

It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (22), dated the 27th April, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively :—

Shri M. Muniappa,
No. 144, I Division,
Nelamangala Municipality,
Nelamangala.

P. N. SHINGHAL,
Secretary to the Election Commission.

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

573

NOTIFICATION.

No. L.D. 1261—Legis. 6-52-51, Bangalore dated, 24th October 1952.

Ordered that Notification No. S.R.O. 1654, dated the 24th September 1952, of the Ministry of Finance amending Notification No. 12 (12)-F. I.—49 dated 10th September 1949, under the Foreign Exchange Regulation Act, 1947 published in the *Gazette of India*, Part II, Section 3, dated the 4th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 24th September 1952.

S.R.O. 1654.—In exercise of the powers conferred by sub-section (1) of section 3 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Finance No 12 (12)-F.I.—49, dated the 10th September 1949, namely :—

In the said notification for " no person shall bring or send into the states from any place outside India any currency notes or bank notes (whether in circulation or un-issued) or any coin issued by the Government of India " the following shall be substituted, namely :—

" no person shall bring or send into India from any place outside India any coin issued by the Government of India or any currency notes or bank notes (whether in circulation or un-issued)".

[No. 2(39)-EFVII/52]

S. S. SHIRALKAR, Dy. Secy.

574

NOTIFICATION.

No. L.D. 1262—Legis. 6-52-52, Bangalore, dated 24th October 1952.

Ordered that Notification No. S.R.O. 1655, dated the 27th September 1952, of the Ministry of Finance (Revenue Division) prohibiting the bringing into India the film entitled "Nights of Paris" published in the *Gazette of India*, Part II, Section 3, dated the 4th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE (REVENUE DIVISION)

CUSTOMS.

New Delhi, the 27th September 1952.

S.R O. 1655.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby prohibits the bringing into India by sea or by land of any copy of the film entitled "Nights of Paris" produced by Messrs. Pathe Overseas of France.

[No. 56.]

A. K. MUKARJI, Dy. Secy.

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NOTIFICATION.

No. E.B. 12672—Eln. 34-52-4, Bangalore, dated 25—27th October 1952.

Ordered that the accompanying notification No. F. 26 (1)—1/52-C, dated the 21st October 1952, of the Ministry of Law, Government of India, amending the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 21st October 1952.

S.R.O. ..... In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951, (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely :—

In rule 116 of the said Rules—

(i) in sub-rule (1), for the words "The Election Commission shall cause to be prepared in such manner as it may direct" the words "The Election Commission in respect of elections to either House of Parliament, and the Chief Electoral Officer of each State in respect of elections to the Legislative Assembly and the Legislative Council, if any, if the State or, as the case may be, of primary elections in the State, shall cause to be prepared in such manner as the Election Commission may direct" shall be substituted ; and

(ii) in sub-rule (2)—

(*a*) after the words "Election Commission", the words "and the Chief Electoral Officers" shall be inserted ;

(*b*) the words "through the Chief Electoral Officer" shall be omitted.

[No. F. 26 (1)—1/52-C.]

K. V. K. SUNDARAM,
Secretary.

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NOTIFICATION.

No. L.D. 1274—Legis. 6-52-53, Bangalore dated, 27th October 1952.

Ordered that Notification No. 10/1/52/IP dated the 3rd October 1952, of the Ministry of Information and Broadcasting appointing a Press Commission, published in the *Gazette of India*, Part I, Section 1, dated the 11th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 3rd October 1952.

No. 10/1/52/IP.—Whereas the Central Government is of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into the state of the Press in India;

Now, therefore, in exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952, (LX of 1952) the Central Government hereby appoints a Commission of Inquiry (to be called the Press Commission) consisting of the following persons, namely :—

1.	Shri Justice G. S. Rajadhyaksha	...	Chairman.
2.	Shri C. P. Ramaswami Iyer	...	Member.
3.	Acharya Narendra Deva	...	"
4.	Dr. Zakir Hussain	...	"
5.	Dr. V. K. R. V. Rao	...	"
6.	Shri P. H. Patwardhan	...	"
7.	Shri T. N. Singh	...	"
8.	Shri Jaipal Singh	...	"
9.	Shri J. Natarajan	...	"
10.	Shri A. R. Bhat	...	"
11.	Shri M. Chalapathi Rau	...	"

2. The Press Commission shall enquire into the state of the Press in India, its present and future lines of development and shall in particular examine :—

(i) the control, management and ownership and financial structure of newspapers, large and small, the periodical press and news agencies and feature syndicates;

(ii) the working of monopolies and chains and their effect on the presentation of accurate news and fair views ;

(iii) the effect of holding companies, the distribution of advertisements and such other forms of external influence as may have a bearing on the development of healthy journalism ;

(iv) the method of recruitment, training scales of remuneration, retirement benefits and other conditions of employment of working journalists, settlement of disputes affecting them and factors which influence the establishment and maintenance of high professional standards ;

(v) the adequacy of newsprint supplies and their distribution among all classes of newspapers and the possibilities of promoting indigenous manufacture of (i) newsprint and (ii) printing and composing machinery ;

(vi) machinery for (*a*) ensuring high standards of journalism and (*b*) liaison between Government and the Press ; the functioning of Press Advisory Committees and organisations of editors and working journalists etc ;

(vii) freedom of the Press and repeal or amendment of laws not in consonance with it ;

and

to make recommendations thereon.

3. The Press Commission shall hold its inquiry and submit its report to the Central Government by 1st March, 1953.

II

In pursuance of Section 5 of the Commissions of Inquiry Act, 1952, the Central Government hereby directs that all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of the said Section shall apply to the Press Commission.

P. C. CHAUDHURI, Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-A.

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

MYSORE LEGISLATURE.

NOTIFICATION.

No. 8325—L.A., dated 28th October 1952.

The following Bill was introduced in the Legislative Assembly on the 25th October 1952:—

THE MYSORE ALIENATED VILLAGES (PROTECTION OF TENANTS AND MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL, 1952.

A Bill to amend the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950.

Whereas it is expedient to amend the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950; Preamble.

It is hereby enacted as follows:—

1. This Act may be called the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) (Amendment) Act, 1952. Short title and commencement.

It shall come into force at once.

It shall also apply to the proceedings before the Deputy Commissioner or any of the higher authorities, pending at the time of the commencement of this Act relating to such transactions as are described in the Proviso to Section 6 of the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950.

Amendment of Sec. 6 of the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950.

2. In the Proviso to Section 6 of the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950, substitute the word "And" for the word "Or" occurring after the words "in good faith" in (a) and omit the letter and brackets "(C)".

Statement of Objects and Reasons.

The main object of the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950, is to give protection against eviction of tenants in alienated villages in Mysore and to protect their tenancy rights in such villages. But the Proviso to Section 6 of the said Act empowers the Deputy Commissioner to confirm even the *mala fide* transactions, if they are found to be entered into for valuable consideration or if the confirmation is found necessary for the maintenance of rural economy. This has the effect of confirming *mala fide* and fraudulent transactions to the detriment of the lawful rights of the tenants and thus defeating the very object of the Act. It is therefore necessary to amend the Act suitably. This Bill seeks to achieve this object.

MOVER :—Sri G. A. Thimmappa Gowda, Member, Legislative Assembly.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV.

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 1249—L.A. 60-52-2, dated Bangalore, 22nd October 1952.

The following order by the Rajpramukh is published for general information :—

In exercise of the powers conferred by Article 186 read with Clause (8) of Article 238 of the Constitution of India, the Rajpramukh of Mysore is pleased to direct the payment of a sum of seventy rupees disallowed by the Accountant-General in audit in respect of the journey undertaken by the then Speaker, Mysore Legislative Assembly, to New Delhi in March-April 1950, for attending the session of the Provisional Parliament of India.

JAYACHAMARAJA WADIYAR,
MAHARAJA OF MYSORE.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

(HOME DEPARTMENT).

No. H.A. 5950—Pol 126-52-5, Bangalore, dated 23rd October 1952.

In exercise of the powers conferred by sub-section (3) of Section 8 of the Preventive Detention Act, 1950, (Central Act IV of 1950), the Government of Mysore is pleased to appoint Sri A. R. Nageswara Iyer, B.A., B.L., Retired Judge, High Court of Mysore, to be the Chairman of the Advisory Board constituted in Notification No. H.A. 11817—Pol. 659-50-3, dated the 20th March 1951 as modified by Notification No. H.A. 12121—Pol. 659-50-4, dated the 29th March 1951.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,

Secretary to Government,
Revenue and Home Departments.

NOTIFICATION.

No. Fl. 6424—S.T. 82-52-2, dated Bangalore, 20th October 1952.

In exercise of the powers conferred by sub-section (1) of Section 6 of the Mysore Sales Tax Act, 1948 (Mysore Act No. XLVI of 1948), the Government of Mysore is pleased to direct that in Notification No. Fl. 1869—S.T. 1-48, dated 24th August 1948, for item (5) the following item shall be substituted, namely :—

"(5) Matches used for general consumption".

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

NOTIFICATION.

No. L. 11702—Ml. 152-52-10, dated Bangalore, 20th October 1952.

In exercise of the powers conferred by Section 48 (1) (*a*) and (*b*) read with Section 151 of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), Government of Mysore is pleased to make the following Model Bye-laws for regulating the use of slaughter houses for slaughtering animals in Town Municipalities.

1. Butchers and others shall have access to the Municipal slaughter houses for the purpose of slaughtering animals for sale or private consumption on the conditions hereunder specified. Only licensed men will be allowed in the slaughter house for the purpose of dressing the carcass. These persons will be provided with a badge once a year by the President on payment of one rupee. A list of such licensed men will be hung up at the slaughter house and a copy maintained by the President.

2. None but those engaged in the slaughter of animals and Municipal Officers and Councillors shall have access to the slaughter house.

3. No person shall be permitted to perform the duties of a Mollah or Rubbi in a Municipal slaughter house except with the written permission of the President.

4. No dog shall be allowed into a Municipal slaughter house. Every dog found there shall be made over to the police to be dealt with as a stray dog.

5. No animal which has not been permitted to be slaughtered or which is not meant for immediate slaughter shall be brought into a slaughtering shed, in a Municipal slaughter house.

6. Every person desiring to make use of a slaughter house shall pay the prescribed fee before entering it.

7. Every animal intended for slaughter at a Municipal slaughter house shall be brought thereto not less than one hour before the time fixed so as to admit of examination by the Health Officer, Veterinary Inspector and the subordinate assisting them.

8. Animals, which upon such examination are found to be free from disease, shall be slaughtered in a Municipal slaughter house.

9. Every animal, which upon such examination, is found to show symptoms of disease or is suspected of being diseased, shall not be admitted to the slaughter house premises but shall be kept under observation.

10. Every animal found upon such examination to be suffering from an infectious or contagious disease, shall be seized and dealt with as provided in bye-law 29 *infra*.

11. No animal that is or suspected to be with young shall be slaughtered at a Municipal slaughter house.

12. Animals shall be slaughtered only in the allotted space in the slaughter house and no other.

13. No animal shall be slaughtered in a Municipal slaughter house except during such hours as may be from time to time be fixed by the President and notified in a conspicuous place in the slaughter house.

14. The carcass of every animal which has been slaughtered in a Municipal slaughter house shall, after it has been skinned, be carefully examined to ascertain, if it is free from disease. The skin shall be likewise similarly examined.

15. Every carcass, which upon such examination is found to be diseased, shall be seized and dealt with as provided in bye-law 29 *infra*: Provided that the skin of a carcass not showing signs of an infectious or contagious disease shall remain the property of the owner.

16. Every skinned carcass, which after examination is found to be free from disease and fit for human consumption, shall be allowed to be quartered or cut up.

17. No person shall blow by means of insufflation the carcass of animals slaughtered for human consumption.

18. All meat and offal, which upon such examination are found to be deseased or considered unfit for human consumption, shall be seized and dealt with as provided in bye-law 29 *infra*.

19. The skins, entrails and offal of slaughtered animals which have not been seized, shall be collected in a special offal room in the slaughter house, there to be washed and cleansed before their removal.

20. All refuse or offal rejected by the owners of the slaughtered animals shall be deposited by them or their assistants in a municipal offal truck or bin.

21. The solid contents of the entrails shall not be washed into the sewers but shall be removed by the owners of the animals or their assistants and deposited in a municipal offal truck or bin.

22. Skins, offal, entrails, etc., left at the Municipal slaughter house after such hours as the President may fix shall be considered as refuse and shall become the property of the Municipal Council and be disposed of, as the President shall direct.

23. No person shall sell meat, skin or offal on the premises of a Municipal slaughter house.

24. Meat, entrails and offal which are fit for human consumption and permitted to be removed from a Municipal slaughter house, shall be removed in covered baskets or prescribed carts and such baskets or carts together with their covers shall at all times be kept clean.

25. No person shall make noise, fight or quarrel or use insulting, abusive or obscene language in a Municipal slaughter house. Persons contravening this bye-law shall be summarily ejected.

26. The fee payable for the slaughtering of each animal in municipal slaughter house shall be as detailed in the following schedule.

		Rs.	a.	p.
Sheep, Goats, Kids	....	0	2	6.

27. The Veterinary Inspector in the employ of the Municipal Council shall be in charge of the Municipal slaughter houses in..... and shall see that no diseased sheep or goats are slaughtered therein for food or their carcasses removed to the Municipal markets or other recognised licensed places for sale.

28. The Veterinary Inspector shall carefully inspect each and every animal brought for slaughter daily, whether for private consumption or sale to the public, and satisfy himself that such animals are perfectly healthy before he admits them into the slaughter house.

29. The Veterinary Inspector shall also examine the carcasses of animals slaughtered in the slaughter houses, and shall destroy or bury at such time and place as may be appointed by the President or the Health Officer, any carcass or organ or any part of the carcass that he may find diseased and unfit for human consumption (as wholesome food), with the previous sanction of the President, Vice-President or any other officer authorised by the President.

30. The Veterinary Inspector shall stamp all carcasses before they are removed from thehanging rooms to the stalls in the Municipal markets or licensed mutton stalls in the town, in token that they were passed out of the slaughter house as fit for food. The Veterinary Officer/Inspector shall be careful to see that all carcasses brought for sale to the markets bear the slaughter house stamp. The Contractor or the Health Inspector shall do likewise where and whenever practicable. The Veterinary Inspector, Health Inspecter or Contractor shall report every case in which a carcass does not bear the said stamp, and shall at the same time forward an explanation which the person in possession of such carcass may offer for the orders of the President.

31. Any person who slaughters any sheep or goat which has not been inspected and passed by the Veterinary Inspector, or slaughters before or after the hours fixed for the purpose or removes any carcass before 6 A.M. and after 6 P.M. to the markets or any other recognised or licensed place for sale, or to his house, or who offers any opposition or resistance to the Veterinary Inspector or his peons, the contractor or his servants or to the Health Inspector in the execution of their duty, shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 20.

32. The Veterinary Inspector shall look after the conservancy business of the slaughter houses and shall inspect the slaughter houses daily between the hours 6 A.M. and 10 A.M. and 1 P.M. and 2 P.M. respectively and furnish a report to the President by 4 P.M. of the result of such inspection.

33. No carcass or any portion of a carcass of any sheep or goat slaughtered outside the limits of the Town Municipality shall be sold in any of the Town Municipal markets, or any part of the Town by the owner or person in possession thereof, without the carcass being first examined by the Veterinary Inspector of the Town Municipality and the prescribed fee being paid to the contractor for the same, and whoever is found in possession of, or vending such carcass, or any portion thereof, in contravention of these provisions, shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 20.

34. No carcass or any portion of a carcass of any sheep or goat slaughtered outside the limits of the Town shall be supplied by any person or persons to any of the Town hospitals and hotels or eating houses without such carcass being first examined by the Veterinary Inspector of the Town Municipality and the prescribed fee being paid to the contractor for the same, and whoever is found in possession of, or vending such a carcass or any portion thereof, in contravention of these provisions, shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 20.

35. The President or Vice-President shall issue a permit to any person applying for permission to slaughter sheep or goats within the limits of the Municipality without license, or without payment of any fee for the purpose of the following festivals or religious ceremonies, on such applicant furnishing sufficient grounds for the indulgence sought, and the Veterinary Inspector shall note in the slaughter house return on each and every occasion that such permission is given, the name, the residence of the persons to whom a permit has been issued and the number of sheep or goats allowed to be slaughtered.

Dasara—(Hindus only).—One sheep or goat to any one individual or to any one member of a family for two days only.

Akkika—(Mohamedans only).—The ceremony connected with shaving the head of a child for the first time.

Male child	....	Two sheep or goats
Female child	....	One sheep or goat

Bakrid—(Mohamedans only).—Sheep or goat not exceeding one to any one individual or to any one member of a family for three days.

Sadkah—(Hindus and Mohamedans) (vow by or for a sick person).—Sheep or goat not exceeding one of any description of either sheep or goat.

Mannath (Hindustani) (*Harike*) (Kanarese).—Mohamedans and Hindus in fulfilment of a vow, made by or for a sick person, sheep or goat not exceeding one of either description.

Second day of Pongal or Sankranthi (Hindus only).—One sheep or goat.

36. Any person who may require any number of sheep or goats for slaughter in excess of that, given for any of the purposes mentioned in bye-law 35, shall obtain a permit from the Veterinary Inspector and pay the prescribed fee to the contractor for such number in excess of that allowed. Whoever, without such permit and without the payment of such fee, slaughters any sheep or goat shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 20 for every such animal slaughtered together with the amount of the fee payable to the contractor.

37. Whoever infringes any of the bye-laws shall be punished with a fine not exceeding Rs. 10 in each case.

38. Whoever slaughters for sale without the previous permission of the President, except as provided in bye-law 36, any sheep, goat at places within the limits of the Municipality, other than the Municipal slaughter house, shall be liable on conviction before a Megistrate to a fine not exceeding Rs. 20 for every such animal slaughtered together with the amount of the fee payable to the contractor.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Local Self-Government Department.

NOTIFICATION.

No. A.F. 7487—Mart. 4-52-9, Bangalore, dated 29th October 1952.

The following draft of certain amendments to the Mysore Agricultural Produce Markets Rules, 1947, which the Government of Mysore proposes to make in exercise of the powers conferred by sub-section (i) of Section 6 of the Mysore Agricultural Produce Markets Act, 1939 (Mysore Act No. XVI of 1939), is hereby published for the information of all persons likely to be affected thereby, as required by sub-section (4) of the said section and notice is hereby given that the draft will be taken into consideration after fifteen days from the date of publication in the *Mysore Gazette*.

Objections or suggestions which may be received from any person in respect of the said draft before the said period will be considered by the Government of Mysore. Such objections or suggestions should be addressed to the Secretary to the Government of Mysore, Education and Agriculture Departments, Old Public Offices, Bangalore-1.

Draft Amendments.

(1) For clause (*d*) of sub-rule (2) of Rule 4, the following clause shall be substituted, namely :—

"The Chairman of the Committee shall be nominated by the Government from among the members of the Committee."

(2) In rule 20, the word "Election" in the marginal heading and the first two sentences shall be deleted and for the word "He" in the third sentence the words "The Chairman" shall be substituted.

(3) In rules 21 and 22, the words "Chairman or" wherever they occur shall be omitted.

By Order of His Highness the Maharaja,

L. MUNISWAMY,
Secretary to Government,
Education and Agriculture Departments.

NOTIFICATION.

No. L.S. 4035—L.W. 240-52-2, dated Bangalore, 21st October 1952.

In exercise of the powers conferred by clause (*b*) of Rule 2 of the Workmen's Compensation (Transfer of Money) Rules, 1935, the Government of Mysore is pleased to designate the Commissioner of Labour in Mysore, Bangalore, to be the Officer in respect of the whole of the State of Mysore, for the purpose of performing the functions assigned by the said rules to the authorised Officer.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES

ELECTION COMMISSION, INDIA.

New Delhi.

Notification No. MY-A—52 (109), dated 20th October 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the persons whose names and addresses are given below, as notified under Notification No. MY-A—52 (49), dated the 7th May 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act, respectively :—

Shri S. K. Venkataranga Iyengar,
Kanaka Mandiram, Gandhinagar,
Bangalore.

Shri G. Paramasiviah,
No. 9, Kumara Park,
Extension, (New).

Shri Y. V. Srinivasa Murthy,
P. 14, 6th Division,
Seshadripuram.

Shri N. S. Narayana Rao,
No. 21, 4th Main Road,
Chamarajpet.

Shri B. C. Rangappa,
No. 56, II Road,
Chamarajpet.

P. N. SHINGHAL,
Secretary to the Election Commission.

Notification No. MY-A—52 (110) dated 20th October 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the persons whose names and addresses are given below, as notified under Notification No. MY-A—52 (48), dated the 7th May 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act, respectively :—

Shri S. Krishna Rao Pawar,
G. 78, Albert Victor Road,
Chamarajpet.

Shri Sreeramulu,
G. 78, Ramachandrapuram,
Bangalore North Taluk.

Shri Yajaman Nanjundappa,
No. 102, Nehru Nagar,
Seshadripuram.

P. N. SHINGHAL,
Secretary to the Election Commission.

Notification No. MY-A—52 (111) dated 20th October 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address is given below, as notified under Notification No. MY-A—52 (51), dated the 7th May 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively :—

Shri B. R. Bhagavan,
162, Vanivilas Road,
Visveswarapuram.

P. N. SHINGHAL,
Secretary to the Election Commission.

Notification No. MY-A—52 (112), dated 20th October 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (10), dated the 26th April 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act, respectively :—

Shri C. Malesiddappa,
Zamindar, Gattihosahally.

P. N. SHINGHAL,
Secretary to the Election Commission.

Notification No. MY-A—52 (113), dated 20th October 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the persons whose names and addresses are given below, as notified under Notification No. MY-A—52 (7), dated the 26th April 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively :—

Dr. N. Eswarappa,
Holalkere, Chitaldrug District,
Mysore State.

Shri Bondade Hanumantha Rao,
Bondade Press,
Subhas Road, Davangere,
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

NOTIFICATION.

No. L.D. 1275—Legis. 5-52-78, Bangalore, dated 29th October 1952.

Ordered that Notification No. S.R.O. 1701 dated the 3rd October 1952, of the Ministry of Irrigation and Power, amending the Indian Electricity Rules, 1937, published in the *Gazette of India*, Part II, Section 4, dated the 11th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF IRRIGATION AND POWER.

(CENTRAL ELECTRICITY BOARD).

New Delhi, the 3rd October 1952.

S.R.O. 1701.—In exercise of the powers conferred by Section 37 of the Indian Electricity Act, 1910 (IX of 1910), the Central Electricity Board is hereby pleased to make the following amendment to the Indian Electricity Rules, 1937, the same having been previously published as required by sub-section (1) of Section 38 of the said Act, namely:—

In the said Rules, for sub-rule (2) of Rule 1, the following sub-rule shall be substituted, namely:—

"(2) They extend to the whole of India except the State of Jammu and Kashmir."

(No. E1-II-12 (28).)

SARDARI LALL VIJ,
For Secy. Central Electricity Board.

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NOTIFICATION.

No. L.D 1276—Legis. 5-52-79, dated Bangalore, 29th October 1952.

Ordered that Notification No. S.R.O. 1702, dated the 30th September 1952 of the Ministry of Communications amending the Indian Telegraph Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 11th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS).

New Delhi, the 30th September 1952.

S.R.O. 1702.—In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following further amendments shall be made in the Indian Telegraph Rules, 1951, namely :—

In sub-rule (1) of rule 451 of the said Rules :—

(*a*) for the figure '100' the figure '10' shall be substituted ;

(*b*) the proviso shall be omitted.

(No. R3-51/51.)

K. V. VENKATACHALAM,
Dy. Secy.

NOTIFICATION.

No. L. D. 1277—Legis. 5-52-80, dated Bangalore 29th October 1952.

Ordered that Notification No. S.R.O. 1703, dated the 6th October 1952 of the Ministry of Communications amending the Indian Telegraph Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 11th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS.)

New Delhi, the 6th October 1952.

S.R.O. 1703.—In exercise of the powers conferred by Section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following further amendments shall be made in the Indian Telegraph Rules, 1951, namely :—

In rule 423 of the said Rules, for the portion beginning with "if prior intimation" and ending with "shall be required", the following shall be substituted, namely :—

"If prior intimation is received that a subscriber binds himself to make a 'fixed time' call between the same two numbers for a period of at least five consecutive days in the week, the extra charge for each such call shall be reduced to one-half of the corresponding extra charge mentioned in the preceding sentence. For the purpose of reckoning consecutive days, the Telegraph Holidays (Rule 78), on which calls are not made, shall be ignored, and when there are two Telegraph Holidays in a particular week the aforesaid minimum period of five consecutive days in the week shall be reduced to a period of four consecutive days."

(No. PHB-109-1/52.)
K. V. VENKATACHALAM,
Dy. Secy.

GOVERNMENT OF MYSORE.

LABOUR DEPARTMENT.

NOTIFICATION.

No. L.S. 4137—L.W. 172-52-17, dated 31st October 1952.

Labour Disputes—Dispute between Workers and Management of the C.P.C. Motor Service, Mysore——Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

1. Letter dated 18th October 1952, from Sri B. R. Ramalingiah, Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Tuesday the 14th October 1952.

Present.

Sri B. R. Ramalingaiah, M.A., B.L. ... *Chairman.*

Sri Mahmood Sheriff, B.A., LL.B. ... *Member.*

Sri K. Shamaraja Iyengar, B.A. ... *Member.*

Complaint No. III in A. C. No. 1—51-52.

Sri Javaraiah, Conductor, C.P.C, Motor Service, Mysore, represented by the Mysore District Automobile Workers' Association, Mysore ... *Complainant [Petitioner]*

vs.

Proprietor, C.P.C. Motor Service, Mysore, represented by the Mysore District Automobile Owners' Association, Mysore ... *Respondent.*

AWARD.

This is a complaint under Section 33 (A) of the Industrial Disputes Act, 1947, by the complainant Javaraiah, who was working as a Conductor in the Respondent's C.P.C. Motor Service, filed during the pendency of the proceedings in the said A. C. No. 1/51-52, before the Tribunal, praying for an Award directing his reinstatement as Conductor in the Respondent's service, and granting him his wage and batta from the date of the discharge till his reinstatement, with cost of the petition.

It is alleged in the petition that the petitioner was working as Conductor in the Respondent's Motor Service for the past seven years. The respondent dismissed him from service on 7th February 1952 abruptly when he refused to go on the line in a over-loaded bus. His dismissal by the respondent is illegal as the same was done during the pendency of the said A.C. 1/51-52, without the express written permission of the Tribunal as is required by Section 33 of the Industrial Disputes Act. Hence, the petitioner has filed this petition for the said relief.

The respondent has opposed this application and as stated by him, in his objection statement, the petitioner, who was working as a temporary conductor from 28th March 1948, and who of his own accord absented himself from 3rd December 1948, was re-employed at his request by the respondent on 16th May 1951 temporarily on daily wages and had drawn his wages for the number of days he worked in each

month since then. The services of the petitioner were not wanted from 8th February 1952, and he was asked on that day to take his wages due to him for the number of days he had worked in January and February 1952. But he refused to take his wages. It is not true that the petitioner worked for seven years under the respondent as contended by him. He was not a permanent conductor and he was not dismissed as such. The petition is not maintainable and is liable to be dismissed.

By way of reply the petitioner has stated that it is not true that he was employed on a temporary basis as alleged by the respondent, that he was permanently employed as conductor on a monthly basis in the Respondent's Motor Service, and that the reason for his removal as stated in the objection statement is not correct or fair, and that it is not true to state that there was no unfair labour practice on the part of the Respondent. Hence, the petitioner has prayed that the petition be allowed by granting him the relief prayed for.

The objection statement filed by the respondent shows that the respondent has admitted in unequivocal terms (1) that the petitioner was working as conductor in his service till 8th February 1952 and (2) that the respondent dismissed him from service on 8th February 1952. The evidence of the Manager of the respondent (R.W.1), who has been examined, as a witness on his side, shows that the petitioner worked even on 7th February 1952. His evidence is borne out by the entry exhibit 4 (B) in exhibit 4, the Lines Attendence Register. The petitioner has not examined himself to prove that the respondent dismissed him from 7th February 1952. In the light of the evidence adduced on the side of the respondent it may be taken as proved that the services of the petitioner were dispensed with as from 8th February 1952 as pleaded by the respondent in the objection statement and not from 7th February 1952 as alleged in the complaint by the complainant. It is alleged in the complaint that the respondent dismissed the complainant because the latter refused to go on the line in a over-loaded bus. The petitioner has not chosen to examine himself to prove this allegation. Hence, the said allegation made to account for his dismissal cannot be said to be true. The respondent in his objection statement states that the petitioner's services were dispensed with on 8th February 1952 on the ground that his services were not required. It may be taken that the petitioner was dismissed by the respondent on 8th February 1952 on this ground. The reason for the dismissal of the petitioner from service by the respondent from 8th February 1952 is not of very much importance for determining whether the complaint should be allowed or not.

The said A.C. No. 1—51-52 was pending on the file of the Tribunal when the Respondent dismissed the petitioner under the circumstances stated in his objection statement, on 8th February 1952. Admittedly, as shown above, the petitioner who was working as a Conductor in the Respondent's Motor Service, was dismissed by the Respondent on 8th February 1952 during the pendency of the proceedings of the said case without the express written permission of this Tribunal. If the petitioner was working then as a workman within the meaning of the expression "workman" as defined in section 2 (s) of the Industrial Disputes Act, 1947, on 8th February 1952, the Respondent has contravened Section 33 of the Act by dismissing him from his service without the express written permission of the Tribunal. The Respondent contends, that, as the petitioner was working as a temporary conductor in his service, no express permission of the Tribunal was necessary before he dismissed him and, hence he has not contravened Section 33 of the said Act. In the light of this contention the following points arise for adjudication by this Tribunal.

(1) Whether the petitioner was only a temporary conductor in the Respondent's Motor Service, and (2) if he was only a temporary conductor, whether he was not a workman as defined in Section 2(s) of the said Act.

The evidence of the Manager (R. W. 1) examined on the side of the Respondent supported as it is by exhibits 1(*a*), 2(*a*), 3(*a*), 4(*a*), 5, 10, 11(*b*) and 11(*c*), shows that in the registers and vouchers of the Respondent's Motor Service, the petitioner has been, no doubt, described as a temporary conductor. But the documentary evidence adduced on the side of the Respondent shows that though the petitioner was described as a temporary conductor, there was practically no distinction between him and a permanent conductor. In the first place, it has not been shown by the Respondent that the petitioner was holding the office of a conductor as a substitute in the place of a permanent employee, and that on 8th February 1952 his services were terminated for reasons beyond his control because the permanent employee returned to duty on that date. On the other hand, the Respondent has admitted in his objection statement that his services were dispensed with on 8th February 1952 because they were not wanted. In the second place, it has not been proved by the Respondent that the petitioner was being entertained as a conductor only when work was available for discharge by him as conductor. The entries in the Attendance Register, exhibit 4, for the period from May 1951 to February 1952, which show that for his services as conductor in each of the said months he was paid wages by the Respondent in the subsequent months, and that as conductor he has worked in the months of May, June, July, August, September, October and November 1951, for 15 days, 23 days, 13 days, 17 days, 6 days, 7½ days and 4½ days respectively, and in the months of January and February 1952 for 25 days and 7 days respectively, belies this allegation. It may be, that the petitioner would have worked for the rest of the month of February 1952 if the Respondent had not abruptly dismissed him from his service as from 8th February 1952. That the allegation made in the objection statement that the Respondent informed the petitioner on 8th February 1952 that his services were not wanted, is obviously false is clear from exhibit 4(*b*) in which the letter "A" indicating that the petitioner was absent, was first written in the columns for the dates 8th to 15th against the petitioner and later on scored out. The writing in exhibit 4(*b*) "stopped from 8th February 1952" has evidently been written afterwards for purposes of this case.

In the third place it has not been proved that there was really distinction between the temporary and permanent conductors in the Respondent's Motor Service. No Standing Orders of the Respondent's Motor Service has been produced to show that there was really such a distinction between them. It has not also been shown under what circumstances a person was appointed only on a temporary basis as a conductor. Even the witness examined on the side of the Respondent has not thrown light on this point. For the reasons stated above, it cannot at all be said that the petitioner was not a permanent conductor, but that he was working only as a temporary conductor.

Even if he was a temporary conductor it cannot be said at all that he was not a workman within the meaning of the expression "workman" as defined in Section 2(*s*) of the said Act. Having regard to this definition of workman, no distinction can be drawn between persons permanently employed and those temporarily employed. Even if a person is temporarily employed, his services cannot be dispensed with by the employer during the pendency of an industrial dispute, as in this case, without the express written permission of the Tribunal. As the Respondent has admittedly dismissed the petitioner for unjustifiable reasons, he has contravened clearly Section 33 of the Act, and the petitioner is entitled to be reinstated as conductor in the Respondent's Service.

The next point for consideration in connection with this case relates to the question of compensation payable to the complainant for wrongful dismissal. It is seen from the entries made against the petitioner, as per exhibits 1(*a*), 2(*a*), and 4(*a*),

and from the evidence of the Manager (R.W.1), that he was very irregular in attendance, that he was absent from duty from 3rd December 1948 till 16th May 1951 when he was taken back to service, and that even subsequent to 16th May 1951, he was, in each month absenting himself from duty very often. Having regard to these circumstances he is not entitled, in our view, to more than 7 days' wages as compensation.

In the result, we allow the complaint and direct that the Respondent shall pay as compensation to the petitioner his wages for seven days and reinstate him as conductor in his service if he should apply for such reinstatement within 15 days after this Award becomes enforceable. We make no orders to the cost of the application. This Award shall be submitted to Government for publication under Section 17 of the Industrial Disputes Act, 1947.

K. SHAMARAJA IYENGAR. MAHAMOOD SHERIFF. B. R. RAMALINGIAH.
Member. Member. Chairman.

ORDER No. L.S. 4137—L.W. 172-52-17, DATED, BANGALORE, 31ST OCTOBER 1952.

Whereas under Section 33 (A) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by Sri Javariah—Conductor, C.P.C. Motor Service, Mysore, to the Industrial Tribunal, Bangalore, that his employers (the Management of C.P.C. Motor Service, Mysore) have during the pendency of proceedings before the Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the Award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, the Government of Mysore hereby direct that the said Award, as above, be published in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.D. 1280—Legis. 6 52-54, dated Bangalore, 1st November 1952.

Ordered that Notification No. S.R.O. 1728 dated the 8th October 1952 of the Ministry of Labour appointing the 6th October 1952 as the date on which certain paragraphs of the Employees' Provident Funds Scheme 1952, would come into force, published in the *Gazette of India*, Part II, Section 3, dated the 18th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 8th October 1952.

S.R.O. 1728. In exercise of the powers conferred by sub-paragraph (2) of Paragraph 1 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints the 6th day of October 1952, as the date on which paragraphs 26, 27, 28, 33, sub-paragraph (i) of Paragraph 36 and paragraph 37 of the said Scheme shall come into force.

[IVO PF 501 (21)].

SADASHIVA PRASAD,
Deputy Secretary to the
Government of India.

NOTIFICATION.

No. E.B. 13086—Eln. 31-52-5, Bangalore, dated 1st—2nd November 1952.

Ordered that the accompanying Notification No. F. 26(1)-II/52-C, dated the 25th October 1952 of the Ministry of Law, Government of India, amending the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 25th October 1952.

S.R.O..... In exercise of the powers conferred by Section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government after consulting the Election Commission, hereby makes with effect from the 15th December 1952, the following further amendments shall be made in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely :—

In the said Rules—

1. In rule 46—

(*a*) in sub-rule (1), paragraph (ii) shall be omitted and in paragraph (v), for the Second and Third sentences, the following shall be substituted, namely :—

"All the ballot boxes used at a polling station shall be opened, and the counting of the ballot papers found in those boxes proceeded with, at the same time as far as practicable.";

(*b*) for sub-rule (5), the following sub-rule shall be substituted, namely :—

"(3) After the counting of ballot papers contained in all the ballot boxes of all the polling stations and of the votes recorded on postal ballot papers has been completed, the Returning Officer shall record in the statement in Form 14 the total number of votes polled by each candidate, and otherwise complete and sign the statement."

2. In Schedule I, Form 14A shall be omitted, and for Form 14, the following Form shall be substituted. namely :—

FORM 14.

(*Rule 46.*)

FORM OF ACCOUNT OF BALLOT PAPERS.

House of the People

.....Legislative Assembly.

.....Electoral College.

Election for.....Constituency, 19 .

Sl. No.	Name of Polling Station	No. of Polling Booth	Number of ballot papers found in the ballot box of								Total number of ballot papers *rejected*	Total number of ballot papers in *boxes*
			'A'		'B'		'C'		'D'			
			Valid	Rejected	Valid	Rejected	Valid	Rejected	Valid	Rejected		
		Total ...										
Total number of valid votes recorded in the ballot boxes.												
Total number of valid votes recorded on postal ballot papers.												
Total votes polled ...												

Date.....

"Signature of the Returning Officer."

K. G. AVADHANI,
Under Secretary to the Government of India.

(No. F. 26(1)—II/52-C.)
K. V. K. SUNDARAM, Secretary.

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CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1326—Legis. 4-52-45, dated Bangalore, 8th November 1952.

Ordered that the Abducted Persons (Recovery and Restoration) Amendment Ordinance, 1952 (Central Ordinance No. IX of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 29th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE ABDUCTED PERSONS (RECOVERY AND RESTORATION) AMENDMENT ORDINANCE, 1952.

No. IX OF 1952.

An Ordinance further to amend the Abducted Persons (Recovery and Restoration) Act, 1949, for the purpose of continuing it in force for a further period.

WHEREAS Parliament is not in session, and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement.—(*1*) This Ordinance may be called the Abducted Persons (Recovery and Restoration) Amendment Ordinance, 1952.

(*2*) It shall come into force at once.

2. Amendment of Section 1, Act LXV of 1949.—During the period of operation of this Ordinance, the Abducted Persons (Recovery and Restoration) Act, 1949, shall have effect as if in sub-section (2) of section 1, for the words and figures "31st day of October, 1952" the words and figures "31st day of December, 1952" had been substituted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV.

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. C. 899—C.O. 24-52-7, dated Bangalore, 4th November 1952

Ordered that the accompanying Oilcakes (Removal of Control) Order, 1952, issued with their Order No. F. 22-6/51-EP., dated the 20th October 1952, by the Government of India, Ministry of Food and Agriculture (Agriculture) and their Notification No. F. 22-6/51-EP., dated 20th October 1952, be republished in the *Mysore Gazette*, for the information of the public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

(AGRICULTURE.)

New Delhi, the 20th October, 1952.

Order.

No. F. 22-6/51-EP.—Whereas it appears to the Central Government that for maintaining and increasing the supply of oilcakes and for securing their equitable distribution and availability at fair prices, it is necessary to regulate the supply and distribution thereof and trade and commerce therein;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following Order:—

1. This order may be called the Oilcakes (Removal of Control) Order, 1952.

2. It extends to all the States, other than the State of Hyderabad, to which the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) (hereafter referred to as the "said Act") applies.

3. Save as otherwise provided in any notified order made by or under the authority of the Central Government under section 3 of the said Act, there shall be no prohibition or restriction on the movement of oilcakes from any place in any

State to any other place within or outside that State and the price, production, movement or distribution of oilcakes shall not be regulated or controlled in any manner whatsoever.

4. This Order shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than the said Act.

5. Subject to the provisions contained in paragraph 3 of this Order, no Order

(*a*) made or deemed to be made under the said Act by any State Government or by any officer or other authority, or

(*b*) made by any State Government or by any other authority under any other law for the time being in force in that State,

shall have effect so as to prohibit or restrict the movement of oilcakes from any place in that State to any other place within or outside that State or so as to regulate or control the prices, production, movement or distribution thereof in any manner whatsoever.

6. Notwithstanding anything hereintofore contained the Vegetable Oils and Oilcakes (Forward Contracts Prohibition) Order, 1944 shall continue to be in force.

New Delhi, the 20th October, 1952.

Order.

No. F. 22-6—51-EP.—In exercise of the powers conferred by section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the powers conferred on it by section 3 of the said Act in relation to the procurement of oilcakes from Mills and the fixing of prices of oilcakes so procured shall be exercisable also by the State Governments subject to the condition that not more than 50 per cent of oilcakes produced by any mill shall be procured from that mill.

VISHNU SAHAY,
Secy. to the Govt. of India.

610

NOTIFICATION.

No. L.D. 1290—Legis. 6-52-55, dated Bangalore, 3rd November 1952.

Ordered that Notification No. S.R.O. 1614, dated the 12th September 1952, from the Ministry of Labour—appointing a Commissioner for the Employees' Provident Fund, be published in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 12th September, 1952.

S.R.O. 1614.—In pursuance of the provisions of sub-paragraph (1) of paragraph 19 of the Employees' Provident Funds Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri Sadashiva Prasad, I.A.S., Deputy Secretary to the Government of India, Ministry of Labour, as the Commissioner for the Employees' Provident Fund for the territories to which the said Act extends.

[No. PF. 516(44).]

V. K. R. MENON, Secy.

61

NOTIFICATION.

No. L.D. 1291—Legis. 6-52-56, dated Bangalore, 3rd November 1952.

Ordered that Notification No. S.R.O. 1725, dated the 6th October 1952 of the Ministry of Rehabilitation appointing revising authorities under the Displaced Persons (Claims) Act, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 18th October, 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

(Office of the Chief Claims Commissioner)

NOTIFICATION.

New Delhi, dated the 6th October 1952.

S.R.O. 1725.—In supersession of the Gazette Notification No. 7(49)/CCC/AE-51, dated 16th/21st May 1952, and in exercise of the powers delegated to me by the Central Government under its Notification No. 32(13)/AE/51, dated 15th May 1952, read with Section 4 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), it is directed that the Chief Claims Commissioner, Claims Commissioners and Deputy Chief Claims Commissioner mentioned below shall exercise jurisdiction as revising authority in respect of claims pertaining to the localities specified in Column 4 of the Schedule.

SCHEDULE.

Serial No. 1	Name of the revising authority 2	Name of appropriate revising authority 3	Jurisdiction 4
1	.....	Shri I. M. Lall, C.C.C., Delhi.	1. All revisions relating to industrial claims. 2. All revisions relating to claims of the value of one lac and over.
2	.....	Shri T. C. Aggarwal, Delhi.	All revisions relating to N.W.F.P., Baluchistan and Bahawalpur land claims.

Serial No. 1	Name of the revising authority 2	Name of appropriate revising authority 3	Jurisdiction 4
3	.....	Shri S. P. Advani, Bombay.	1. All revisions relating to Sind land claims. 2. All revisions relating to Sind urban and rural claims filed from Bombay State.
4	.....	Shri K. G. Bhojwani C.C., Ajmer.	All revisions relating to Sind urban and rural claims, except those filed from Bombay State.
5	Shri M. R. Kalia, Delhi Dewan Fateh Chand, Delhi. Shri H. C. Matta, Delhi.	Shri J. K. Khana, C.C., Delhi.	All revisions relating to Mianwali, Gujranwala, and Multan districts, and N.W.F.P. except land claims of N.W.F.P.
6	Shri Pratap Shankra, Delhi. Shri Bhanju Ram Gandhi, Delhi. Shri K. C. Srivastava, Delhi.	Shri R. K. Vaish, C.C., Delhi.	All revisions relating to Montgomery, D. G. Khan, Jhang, Muzaffargarh, Sheikhupura districts and Baluchistan and Bahawalpur except land claims of Baluchistan and Bahawalpur.
7	Shri Ram Lall, Jullundur Shri Kartar Singh, Jullundur.	Shri L. R. Sikand	All revisions relating to Lyallpur, Lahore district rural, Sialkot district including Shakargarh, except Lahore City and Cantt.
8	Shri G. R. Bhudiraja, Delhi.	Shri T. C. Gupta, D.C.C.C., Delhi.	All revisions relating to Campbellpore and Gujrat districts.
9	Shri Gurcharan Dass, Delhi. Shri Sawan Singh, Delhi.	Shri I. M. Lall, C.C., Delhi.	All revisions relating to Lahore City and Cantt., Sargodha and Rawalpindi districts.

All revisions against the orders of Claims O ficers including Attestation Officers relating to the districts mentioned in Column 4 above will lie to the appropriate revising authority mentioned in Column 3.

The revising authorities mentioned in Column 2 shall deal with such revisions and work as may be allocated to them by the appropriate revising authority mentioned against their names in Column 3 from time to time.

[No. 7(49)/CCC/AE-51.]

I. M. LALL,

Chief Claims Commissioner.

NOTIFICATION.

No. L.D. 1292—Legis. 6-52-57, dated Bangalore, the 3rd November 1952.

Ordered that Notification No. S.R.O. 1726, dated 10th October 1952 of the Ministry of Rehabilitation appointing the Joint Chief Claims Commissioner, published in the *Gazette of India*, Part II, Section 3, dated the 18th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

NOTIFICATION.

New Delhi, the 10th October, 1952.

S.R.O. 1726.—In exercise of the powers conferred by Section 4 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government hereby appoints Shri N. C. Shrivastava, I.C.S., as Joint Chief Claims Commissioner, with effect from the 15th September, 1952.

[No.32(22)AE/52.]

S. PRASADA, Dy. Secy.

614

NOTIFICATION.

No. L.D. 1293—Legis. 6-52-58, dated Bangalore, 3rd November 1952.

Ordered that Notification No. S.R.O. 1729, dated 8th October 1952 of the Ministry of Labour under the Employees' Provident Fund Act, 1952, amending S.R.O. 1341, dated 29th July 1952, published in the *Gazette of India*, Part II, Section 3, dated the 18th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 10th October, 1952.

S.R.O. 1729.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 1341, dated the 29th July, 1952, namely :—

In the said notification the words 'in relation to factories engaged in controlled industries or in an industry connected with a mine or an oilfield' shall be omitted.

[No. P.F.516(17).]

SADASHIVA PRASAD, Dy. Secy.

615

NOTIFICATION.

No. L.D. 1294—Legis. 5-52-81, dated Bangalore, 3rd November 1952.

Ordered that Notification No. S.R.O. 1712, dated the 14th October 1952 of the Ministry of Home Affairs amending the Indian Passport Rules, 1950, published in the *Gazette of India*, Extraordinary, Part II, Section 3, dated the 14th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

NOTIFICATION.

New Delhi, dated the 14th October 1952.

S.R.O. 1712.—In exercise of the powers conferred by section 3 of the Indian Passport Act, 1920 (XXXIV of 1920), the Central Government hereby directs that with effect from the 15th October, 1952, the following amendments shall be made in the Indian Passport Rules, 1950, namely :—

In the said Rules,—

(1) in rule 4—

(i) clause (a) shall be omitted ;

(ii) in clause (c), the words 'or from Pakistan' shall be omitted ;

(iii) in clause (e), the following shall be added at the end, namely :—
"who are in possession of migration certificates duly issued by an Indian diplomatic mission in Pakistan ;"

(iv) in clause (h), after the word 'pilgrims' the words 'domiciled in India' shall be inserted ;

(2) in rule 5—

(i) for clause (ii), the following clause shall be substituted, namely :—

"(i) that it shall have affixed to it a photograph of the person to whom it relates duly authenticated by the authority issuing the passport except in the following cases :—

(*a*) where a child below the age of 15 years has been included in the passport of either of his parents ;

(*b*) where a *pardanashin* wife has been included in the passport of her husband and is travelling with her husband ;

(c) where a *pardanashin* woman has been granted a separate passport for herself only—

(a) if she is accompanied by a male attendant who is in possession of a valid passport and visa; and

(b) the photograph of such male attendant is duly affixed to the passport of the *pardanashin* woman, together with an endorsement stating the name and address of the passport of the male attendant;

(ii) in clause (iii), for the words and brackets '(other than Indian)', the words and brackets '(other than India and Pakistan)' shall be substituted;

(iii) in clause (iv), after the words 'foreign country' the words 'other than Pakistan' shall be inserted;

(iv) after clause (iv), the following clause shall be inserted, namely :—

"(ivA) that when issued by or on behalf of the Government of Pakistan, it shall have been endorsed by a proper Indian diplomatic, consular or passport authority with the visa for India of one or more of the following kinds, namely :—

(a) a Category 'A' Visa issued to a Pakistan national resident in East Pakistan within 10 miles of the border between India and East Pakistan, valid for a period not exceeding five years and for an unlimited number of visits to specified villages or groups of villages lying in India within ten miles of the India-East Pakistan border;

(b) a Category 'B' Visa valid for one year during which eight or more journeys may be performed from Pakistan to one or more specified places in India, subject to a maximum stay of two months in India during any one visit;

(c) a Category 'C' Visa valid for a single journey to India for a stay at a specified place or places not exceeding three months;

(d) a Category 'D' Visa valid for a single journey or a specified number of journeys or an unlimited number of journeys to India during the period, not exceeding one year, specified in the visa for visits to a place or places or an area specified in the visa;

(e) a Category 'E' Visa valid for a specified number of journeys or for an unlimited number of journeys to a specified place or places or along specified routes during a period of one year;

(f) a Category 'F' Visa valid for a stay of one year in India at a specified place or places and for three journeys to and from Pakistan during the said period;

(g) a Transit Visa, valid for such period not exceeding one year or the period of validity of the visa for the country of ultimate destination, as may be specified therein, and for one direct journey through India undertaken for the purpose of reaching any place or country outside India, permitting breaks of journey at one or more specified places, subject to a total sojourn in India not exceeding 30 days from the date of entry into India unless specially extended by a competent authority; and

(h) a Seamen's Visa valid for entry into India for the purpose of securing employment as a Seaman on Indian articles.

[No. 6/69/52-(I)F.I.]

 617

NOTIFICATION.

No. L.D. 1295—Legis. 5-52-82, dated Bangalore, 3rd November 1952.

Ordered that Notification No. S.R.O. 1713, dated the 14th October 1952 of the Ministry of Home Affairs—Order under the Indian Passport Rules, 1950, exempting certain classes of persons, published in the *Gazette of India*, Extraordinary, Part II, Section 3, dated the 14th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

NOTIFICATION.

New Delhi, the 14th October 1952.

ORDER UNDER THE INDIAN PASSPORT RULES, 1950.

S.R.O. 1713.—In exercise of the powers conferred by clause (i) of sub-rule (1) and sub-rule (2) of rule 4 of the Indian Passport Rules, 1950, the Central Government hereby exempts the following classes of persons from the provisions of rule 3 of the said Rules :—

(1) Persons domiciled in India who return to India after having proceeded to Pakistan in the capacity of guides, witnesses or relatives in connection with the recovery of abducted persons in Pakistan, provided that they are in possession of valid Emergency Certificates issued to them by a competent authority in India.

(2) Persons domiciled in Pakistan who enter India in the capacity of guides witnesses and relatives in connection with the recovery of abducte, persons in India,

Provided that :—

(*a*) they are in possession of valid Emergency Certificates issued to them by a competent authority in Pakistan; and

(*b*) such certificates bear visas duly issued by an Indian diplomatic mission in Pakistan.

(3) Abducted persons recovered in Pakistan, who are travelling to India under the protective arrangements provided by an Indian diplomatic mission in Pakistan.

(4) Migrants from Pakistan to India who travel in official convoys provided by the Deputy High Commissioner for India in Pakistan, Lahore, provided that such migrants are included in the list of persons so travelling

duly authenticated by the Deputy High Commissioner for India in Pakistan, Lahore, or an officer nominated by him in this behalf where it is supplied to each such convoy.

(5) Persons domiciled in Pakistan who, being seamen by profession, are in possession of—

(i) Valid Continuous Discharge Certificates bearing the photographs of the respective holders; and

(ii) Seaman's Visa Books, issued on behalf of the Government of India and bearing a visa granted by an Indian Diplomatic Mission in Pakistan or by the Shipping Masters at the ports of Bombay and Calcutta.

(6) Persons domiciled in India who, being seamen by profession, are in possession of valid Continuous Discharge Certificates.

[No. 6/69/52(II)F.I.]

FATEH SINGH, Dy. Secy.

NOTIFICATION.

No. L.D. 1303—Legis. 5-52-83, dated Bangalore, 5th November 1952.

Ordered that Notification No. S.R.O. 1740, dated the 20th October 1952 of the Ministry of Food and Agriculture—The Oilcakes (Removal of Control) Order, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 20th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

(Agriculture)

Orders.

NOTIFICATION.

New Delhi, the 20th October, 1952.

S.R.O. 1740.—WHEREAS it appears to the Central Government that for maintaining and increasing the supply of oilcakes and for securing their equitable distribution and availability at fair prices it is necessary to regulate the supply and distribution thereof and trade and commerce therein;

NOW, therefore in exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following Order :—

1. This Order may be called the Oilcakes (Removal of Control) Order, 1952.

2. It extends to all the States, other than the State of Hyderabad, to which the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) (hereafter referred to as the " said Act ") applies.

3. Save as otherwise provided in any notified order made by or under the authority of the Central Government under section 3 of the said Act, there shall be no prohibition or restriction on the movement of oilcakes from any place in any State to any other place within or outside that State and the price, production, movement or distribution of oilcakes shall not be regulated or controlled in any manner whatsoever.

4. This Order shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than the said Act.

5. Subject to the provisions contained in paragraph 3 of this Order, no order—

(*a*) made or deemed to be made under the said Act by any State Government or by any officer or other authority, or

(*b*) made by any State Government or by any other authority under any other law for the time being in force in that State,

shall have effect so as to prohibit or restrict the movement of oilcakes from any place in that State to any other place within or outside that State or so as to regulate or control the price, production, movement or distribution thereof in any manner whatsoever.

6. Notwithstanding anything hereintofore contained the Vegetable Oils and Oilcakes (Forward Contracts Prohibition) Order, 1944, shall continue to be in force.

[No. F.22-6/51-EP.]

VISHNU SAHAY, Secy.

NOTIFICATION.

No. 1304—Legis. 6-52-59, dated Bangalore, 5th November 1952.

Ordered that Notification No. S.R.O. 1741, dated the 20th October 1952 of the Ministry of Food and Agriculture delegating powers to State Governments under the Essential Supplies (Temporary Powers) Act, 1946, regarding fixing of prices, etc., of Oilcakes published in the *Gazette of India*, Part II, Section 3, dated the 20th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF FOOD AND AGRICULTURE.

(Agriculture)

Orders.

NOTIFICATION.

New Delhi, the 20th October, 1952.

S.R.O. 1741.—In exercise of the powers conferred by section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the powers conferred on it by section 3 of the said Act in relation to the procurement of oilcakes from mills and the fixing of prices of oilcakes so procured shall be exercisable also by the State Governments subject to the condition that not more than 50 per cent of oilcakes produced by any mill shall be procured from that mill.

[No. F.22-6/51-EP.]

VISHNU SAHAY, Secy.

NOTIFICATION.

No. L.D. 1305—Legis. 5-52-84, dated Bangalore, 5th November 1952.

Ordered that Notification No. S.R.O. 332, dated the 25th October 1952 of the Ministry of Defence amending the Indian Soldiers (Litigation) Rules, 1938, published in the *Gazette of India*, Part II, Section 4, dated the 25th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF DEFENCE.

New Delhi, the 25th October, 1952.

S.R.O. 332.—In exercise of the powers conferred by Section 13 of the Indian Soldiers (Litigation) Act, 1925 (IV of 1925), the Central Government, after consulting the High Courts concerned hereby directs that the following further amendments shall be made in the Indian Soldiers (Litigation) Rules, 1938, namely:—

In the said Rules—

(1) In rule 1, sub-rule (2) shall be omitted.

(2) In the Schedule, in Forms A, C and D for words—

"I have the honour to be,
Sir,
Your most obedient servant",

the words "Yours faithfully" shall be substituted.

[No. 0725/D (Co-ord).]

B. S. GREWAL, Dy. Secy.

NOTIFICATION.

No. L.D. 1312—Legis. 6-52-60, dated Bangalore, 5th November 1952.

Ordered that Notification No. S.R.O. 1763, dated the 21st October 1952, of the Ministry of Commerce and Industry, appointing a sub-committee of the Central Advisory Council of Industries, published in the *Gazette of India*, Part II, Section 3, dated the 25th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, 21st October, 1952.

S.R.O. 1763.—In pursuance of Rule 18 of the Registration and Licensing of Industrial Undertakings Rules, 1952, the Central Advisory Council of Industries has at its meeting held on the 3rd October 1952, set up a sub-committee consisting of the following :—

1. Pandit Hirday Nath Kunzru, M.P.—*Chairman.*
2. Shri S. P. Jain.
3. Shri Chandulal P. Parekh, M.P.
4. Mr. C. A. Innes.
5. Shri A. Ramaswami Mudaliar, M.P.
6. Shri Chandra Mohan Sukhia.
7. Shri Khandubhai K. Desai, M.P.
8. Shri S. R. Vasavada.
9. Shri S. A. Dange.

2. The functions of the sub-committee will be to review all licences issued, refused, varied, amended or revoked from time to time and to advise Government on the principles to be followed in the issue of licences for establishing new undertakings or substantial expansions of the existing undertakings.

3. The Secretary of the Central Advisory Council of Industries will be the Secretary of this sub-committee.

[No. 3 (10) IA (G)/52.]

B. B. SAKSENA, Dy. Secy.

NOTIFICATION.

No. L. D. 1813—Legis. 6-52-61, dated Bangalore, 5th November 1952.

Ordered that Notification No. S.R.O. 1764, dated the 22nd October 1952 of the Ministry of Commerce and Industry, nominating Shri W. D'Silva, as a Member of the Central Silk Board, published in the *Gazette of India*, Part II, Section 3, dated the 25th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 22nd October, 1952.

S R O. 1764.—In exercise of the powers conferred under clause (j) of sub-section (3) of Section 4 read with sub-section (2) of Section 5 of the Central Silk Board Act, 1948 (Act No. LXI of 1948), the Central Government is pleased to nominate Shri W. D'Silva, Director, The Mysore Spun Silk Mills, Ltd., as a member of the Central Silk Board, *vice* Shri K. R. Srinivasa Iyengar, resigned.

[No. 1 (31)-Tex/52.]

A. S. SHARMA, Under Secy.

NOTIFICATION.

No. L. D. 1814—Legis. 6-52-62, dated Bangalore, 5th November 1952.

Ordered that Notification No. S.R.O. 1768, dated the 13th October 1952 of the Ministry of Information and Broadcasting, exempting exhibition of Cinematograph films from Part II of the Cinematograph Act, 1952, for certain purposes, published in the *Gazette of India*, Part II, Section 3, dated the 25th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 13th October, 1952.

S.R.O. 1768.—In exercise of the powers conferred by section 9 of the Cinematograph Act, 1952 (XXXVII of 1952), and in supersession of the notification of the Government of India in the Ministry of Information and Broadcasting, No. S. R. O. 1121, dated the 21st June, 1952, in so far as it relates to the sanctioning of cinematograph films for exhibition, the Central Government hereby exempts exhibition of cinematograph films, whether in a finished or an unfinished state, in-film studios and projection theatres outside film studios in the States of Madhya Pradesh and Punjab and all Part B States (except the State of Jammu and Kashmir), solely for the purpose of dubbing, synchronising, checking and technical analysis or for any other purpose connected with the production of a film or for the purpose of obtaining advance publicity or for a purpose connected with the sale or renting of a film to a distributor or an exhibitor, from the operation of all the provisions of Part II of the said Act, and the rules made thereunder, subject to the following conditions namely :—

(i) No person other than the producer, director, technicians, artistes, advisers and others engaged in or for the production of the film, and representatives of the press and distributors and exhibitors invited in connection with arrangements for advance publicity or negotiation for the sale or renting of the film shall be admitted or have access to the place where the exhibition is held.

(ii) No film which has been refused a certificate by the Central Board of Film Censors, or which has been declared to be an uncertified film by the Central Government or the exhibition of which has been suspended by the Sate Government, shall be exhibited or permitted to be exhibited.

(iii) If inflammable films are used, the rules for precaution against, and for prevention and extinction of fire, in force in the State in which the film studio or the projection theatre is situated, shall be observed.

(iv) The owner or the person in charge of the film studio or the projection theatre shall, at least 15 days before starting exhibition of films, make a written report to the Chairman, Central Board of Film Censors, Bombay, giving the following particulars, and shall be bound to supply such further particulars or furnish such further reports as may be specified by the Chairman, Central Board of Film Censors, Bombay :—

(*a*) Name of the film studio or the projection theatre (with full address).

(*b*) Name of the owner or the person in charge of the film studio or the projection theatre.

(*c*) Date from which exhibition of films under the exemption will be started.

(*d*) Nature of Films that will be exhibited ; and

(*e*) Working hours of the film studio or the projection theatre.

(v) Employees of the State Government, the Chairman and the Regional and Assistant Regional Offices of the Central Board of Film Censors, engaged in the discharge of their official duties, shall be admitted to the shows where exhibitions are held and to the film shows.

[No. 20 (50)/51-F (3).]

C. B RAO, Dy. Secy.

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NOTIFICATION.

No. L.D. 1315—Legis. 6-52-63, dated Bangalore, 5th November 1952.

Ordered that Notification No. S.R.O. 1771, dated the 13th October 1952 of the Ministry of Information and Broadcasting under the Cinematograph Act, 1952, exempting exhibition of Cinematograph Films for the purpose of examination of films by the Central Board of Film Censors, its committees, etc., published in the *Gazette of India*, Part II, Section 3, dated the 25th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi the 13th October, 1952.

S.R.O. 1771.—In exercise of the powers conferred by section 9 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby exempts exhibition of cinematograph films in any place in the States of Madhya Pradesh and Punjab and Part B States (except the State of Jammu and Kashmir) for the purpose of examination of films by the Central Board of Film Censors, its Committees, its Advisory Panels and its officers, or by the Central Government and its officers in connection with the carrying out of the provisions and administration of the said Act and the rules made thereunder, from the operation of all the provisions of Part II of the said Act and the rules made thereunder.

[No. 20 (50) 51-F (7).]

C. B. RAO, Dy. Secy.

NOTIFICATION.

No. L.D. 1816 –Legis. 6-52-64, dated Bangalore, 5th November 1952.

Ordered, that Notification No. S.R.O. 1772, dated the 21st October 1952 of the Ministry of Information and Broadcasting declaring the film "Peking Express" as an uncertified film in the whole of India, published in the *Gazette of India*, Part II, Section 3, dated the 25th October 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 21st October 1952.

S.R.O. 1772.—In exercise of the powers conferred by section 6 of the Cinematograph Act, 1952 (Act XXXVII of 1952), the Central Government hereby directs that the film entitled 'Peking Express' in respect of which 'U' certificate No. 3540 dated the 9th November, 1951, was granted by the Central Board of Film Censors to M/s Paramount Films of India, Ltd., shall be deemed to be an uncertified film in the whole of India.

[No. 20/28/52-F.]

A. N. BERY, Dy. Secy.

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NOTIFICATION.

No. L.S. 4271—L.W. 73-52-7, dated 8th November 1952.

Whereas Government of Mysore are of opinion that an industrial dispute exists between the workers and management of the several hotels in Bangalore specified in Schedule I below in respect of the points of dispute specified in the Schedule II below :—

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by Clause (*c*) of Sub-section (1) Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 5330—L.W. 330-51-4, dated 28th March 1952.

SCHEDULE I.

1. High Grounds Hotel, High Grounds, Bangalore City.
2. Chandra Vilasa, Nagarthpet, Bangalore City.
3. My Hotel, High Grounds, Bangalore City.
4. Sri Gajanana Bhavan, Old Taragupet, Bangalore City.
5. Neo Mysore Cafe, Kempe Gowda Road, Bangalore City.
6. Krishna Bhavan Meals Hotel, G.K. Temple Street, Chickpet, Bangalore City.
7. Coffee and Milk Bar, Subedar Chattram Road, Bangalore City.
8. Santosh Vihar, 3, Silver Jubilee Park Road, Bangalore 2.
9. Cafe-de-Paradise, Opposite Puttannachetty Town Hall, Bangalore City.
10. Jaya Restaurant, Jaya Talkies, Chamarajapet, Bangalore City.
11. Bombay Ananda Bhavan, Chickpet, Bangalore City.
12. New Malabar Lodge, Balepet, Bangalore City.
13. Sri Anjaneya Prasanna, Goods Shed Road, Bangalore City.
14. Lalita Vilas, Ulsoor, Bangalore Cantonment.
15. Y.M.C.A. Restaurant, Bangalore Cantonment.
16. Mohan Cafe, Blackpalli, Bangalore Cantonment.
17. Sri Krishna Restaurant, Residency Road, Bangalore Cantonment.
18. Jayalakshmi Bhavan, No. 35, St. Thomas Church Road, Bangalore Contonment.
19. Sri Krishna Bhavan, Quadrant Square, Bangalore Cantonment.
20. Ravi Kala Restaurant, Avenue Road, Bangalore City.
21. Central Coffee Bar, Central Street, Bangalore Cantonment.

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SCHEDULE II.

1. Payment of minimum wages and increments to Hotel Workers as noted below :—

	Rs.
(a) Head Cook for sweets	125—5—150
(b) Head Cook for savories	80—4—120
(c) Assistant Cooks	60—3—90
(d) Servers	40—2—60
(e) Grinders	40—2—60
(f) Cleaners	30—2—50
(g) Stores, etc.	50—2—80

2. Fixing the minimum wage of an employee at Rs. 30 (Rupees thirty only) per month with free boarding and lodging.
3. Grant of bonus equal to three months' salary to each worker.
4. Supply of two sets of Uniforms to every worker for his use during working hours once in every six months.
5. Starting of Provident Fund Scheme.
6. Payment of compensation for injuries, etc., sustained in an accident while on duty.
7. Grant of leave on 12 festival holidays including May Day in a year in consultation with the Labour Association.
8. Guarantee of service.
9. Payment of Dearness Allowance to workers at 25 per cent of the wages paid to each worker, the minimum D.A. in any case being not less than Rs. 10 per mensem.
10. Grant of sick leave for 15 days with pay in full and further 15 days on half pay to each worker.
11. Payment of gratuity calculated at one month's salary for every year of service put in by the worker.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. M. 16184—P.H. 104-51-4, dated Bangalore, 4th November 1952.

In exercise of the powers conferred by Section 20 of the Mysore Prevention of Adulteration Act, 1921 (Mysore Act IX of 1921), the Government of Mysore is pleased to make the following rules in respect of Tiptur Town Municipal limits, the same having been previously published in Notification No. M. 6171—P. H. 104-51-3, dated 7th July 1952 in Part IV, Section 2-C of the *Mysore Gazette* dated 17th July 1952 as required by the said Section.

1. In these rules,

"Act" means the Mysore Prevention of Adulteration Act, (Mysore Act No. IX of 1921).

Section means a section of the Act.

2. *Section 20 (a).*—The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or the holder of the diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President.

3. *Section 20 (b).*—The area within which the local executive officer of the Municipal Council shall exercise powers shall be the Municipal limits of Tiptur Town.

4. *Section 20 (c).—Cleanliness of Vessels*:—All vessels, receptacles, or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, all

necessary action shall be taken to prevent such metallic contamination.

5. *Section 20 (d).—How notice of admixture, addition or deficiency shall be given.*—If the vendor of any article intended for food knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in English affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows that the purchaser is able to read and understand the label; he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

6. The standards of purity prescribed for milk, cream, curds, butter and ghee and tea and coffee are as follows :—

Milk.—Cow's Milk.—(1) Where a sample of cow's milk (not being sold or offered for sale as skimmed or separated milk) contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) Where a sample of cow's milk whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(3) Where a sample of cow's milk whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(4) Where a sample of cow's milk whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 or more than 0·75 per cent of ash, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not

genuine by reason of the addition thereto of water, or the addition of extraneous solids, as the case may be.

(5) *Buffalo's milk.*—Where a sample of buffalo's milk (not being sold or offered for sale as skimmed or separated milk) contains less than 4·0 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat, or the addition thereto of water.

(6) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk, contains less than 9 per cent of milk solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(7) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

N.B.—The minimum limits for nitrogen prescribed above under (3) and (7) are intended to be used in those cases in which a sample of milk when it is analysed is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable the proportion of nitrogen not being appreciably affected by decomposition.

(8) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk contains less than 0·60 or more than 1·00 per cent of ash, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water, or the addition of extraneous solids, as the case may be.

(9) *Unspecified Milk.*—Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits prescribed above under (1), (2) and (3) for cow's milk, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the

reason given in the above rule or rules which are applicable.

(10) *Maximum Limit for Dirt in Milk.*—Where a sample of milk, separated milk or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume) it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of its containing an excessive amount of dirt.

(11) *Cream.*—Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Curd.—Curd is the product obtained by lactic acid fermentation of milk.

(12) *Curd from Cow's Milk.*—Where a sample of curd from cow's milk, whether sold or offered for sale as curd from cow's milk, contains less than 8·9 per cent of total solids and more than 2·82 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

(13) *Curd from Skimmed (Cow's) Milk.*—Where a sample of curd from skimmed (cow's) milk, whether sold or offered for sale as curd from skimmed (cow's) milk, contains less than 6·1 per cent of total solids and more than 3·28 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved that the curd is not genuine by reason of the addition thereto of water.

(14) *Curd from Buffalo's Milk.*—Where a sample of curd from buffalo's milk, whether sold or offered for sale as curd from buffalo's milk, contains less than 9·8 per cent of total solids and more than 3·45 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

(15) *Curd from Skimmed (Buffalo's) Milk.*—Where a sample of curd from skimmed (buffalo's) milk, whether sold or offered for sale as curd from skimmed (buffalo's) milk, contains less than 7·3 per cent of total solids and more than 3·55 per cent of acidity in terms of lactic acid,

it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

(16) *Curd from Skimmed (Unspecified) Milk.*—Where a sample of curd from skimmed milk is sold or offered for sale or hawked about, without any indication as to whether it is made of cow's or buffalo's milk and by comparison with the limits prescribed above under (13) for curd from skimmed (cow's) milk, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

(17) *Butter.*—(*a*) Where the proportion of water in a sample of butter made from cow's or buffalo's milk or cream exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Note.—Rules (18) and (19) which are intended to be used in the case of ghee samples shall also apply in the case of butter which may be clarified into ghee for this purpose.

(*b*) No preservatives except salt shall be used.

(18) *Ghee.*—Where the proportion of water in a sample of ghee made from cow's or buffalo's butter exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

(19) Where a sample of ghee, whether sold or offered for sale, as cow's or buffalo's ghee or mixed ghee does not satisfy the following values, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine :—

.....	Refractive index at 40°C	Reichert meisal value	Polenske value	Free fatty acid as oleic, per cent	Saponification value	Iodine value
		Not less than	Not less than	Not more than	Not more than	Not more than
Cow's ghee	41'0–44'0 ...	21'0	1'5	0'20	2'25	41'0
Buffalo's ghee ...	41'0–44'0 ...	27'0	1'5	0'30	2'25	41'0
Mixed ghee ...	41'0–4'0 ...	25'0	1'0	0'28	2'25	41'0

(20) *Tea.*—(*a*) Tea shall be derived exclusively from the leaves and buds of plants of the camellia genus and thea species.

(*b*) Tea shall contain (i) a proportion of extractive matter in boiling water which is not less than 40 per cent;

(ii) a proportion of total ash of not less than 4 per cent and not more than 8 per cent;

(iii) a proportion of ash insoluble in boiling water which is not more than 3'0 per cent; and

(iv) the total alkalinity of the ash as K 20 should not be less than 1'7 or more than 2'0.

N.B.—For the purpose of this rule, the ash of tea shall be determined on dry tea, this is, tea dried to constant weight at 100'C.

(*c*) Where a sample of tea does not comply with all the standards specified in sub-rules (*a*) and (*b*) it shall be presumed for the purposes of this Act, until the contrary be proved, that the tea is not genuine.

(21) *Coffee.*—(*a*) "Coffee" means the seed of cultivated varieties of coffee arabica, coffee liberica and coffee robusta.

Green, raw or unroasted coffee is coffee freed from all but a small portion of its spermoderm, and conforms in variety and in place of production to the name it bears.

"Roasted Coffee" means properly cleaned green coffee which by the action of heat (roasting) has become brown and has developed its characteristic aroma and shall not contain any admixture of other substances than coffee, save as under (*d*).

(*b*) Coffee shall contain—

(i) a proportion of extractive matter in boiling water which is not less than 30 per cent;

(ii) a proportion of total ash of not less than 4 per cent and not more than 5 per cent;

(iii) a proportion of ash insoluble in boiling water which is not more than 1'4 per cent; and

(iv) the total alkalinity of the ash as K 20 should not be less than 1'8 or more than 2'2.

N.B.—For the purpose of this rule, the ash of coffee powder shall be determined on dry coffee powder, this is coffee powder dried to constant weight at 100'C.

(*c*) Where a sample of coffee does not comply with all the standards specified in sub-rules (*a*) and (*b*), it shall be presumed for the purposes of this Act, until the contrary be proved, that the coffee is not genuine.

(*d*) The only permissible adulterant to coffee is chicory, which may be added to the coffee in a proportion not exceeding 50 per cent. The fact of such an addition and the exact proportion of the adulterant shall be clearly indicated on the label of the container or packet containing the mixture, in a conspicuous place and in distinct legible letters.

When ground coffee is sold or exposed for sale in loose form, *i.e.*, other than in specifically prepared packets or containers, the receptacles containing the coffee, or on which it is exposed or kept for sale, shall be labelled with labels indicating the nature and extent of the adulterant present (if any) in letters less than one-half of an inch in size. Absence of such a label will be taken to imply that the coffee so kept or exposed for sale is meant to be sold as pure coffee.

7. *Section* 20/(*f*).—(1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk, or separated milk, to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other dilutent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

8. *Section* 20 (*g*).—Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the

article. The label shall be clearly visible to the purchaser and shall measure at least 2″ x 4″ where only Kannada is used or at least 4″ x 4″ where more than one language is employed.

9. *Section* 20 (*h*).—(1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for Breach of Rules.*—Every manufacturer or dealer or vendor who (*a*) disobeys, fails to comply with, or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser in cases mentioned in Rule 5 information contained in such lables by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a Magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 150 for every subsequent offence.

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,
Secretary to Government,
Revenue and Home Departments.

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NOTIFICATION.

No. C. 920—Co. 4-52-11, dated Bangalore, 8th November 1952.

In exercise of the powers conferred by Section 3 and Clause (*a*) of Sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the schedule to Notification No. C. 3130—Co., October 1949, namely :—

In respect of the drugs in the said schedule specified in column (1) hereunder which are manufactured by Boots Pure Drug Company (India), Ltd., Bombay, Messrs. Chas Pfizer & Co., Inc. New York, Messrs. Glaxo Laboratories and Imperial Chemical Industries (India), Ltd., for the prices specified in column 2 of the said schedule, the prices specified in column 2 hereunder shall be substituted :—

(i) Boots Pure Drug Company (India), Ltd., Bombay.

Sulphaguanidine—Boots.—

	Rs.	a.	p.
Tablets of 0·5 gm. Bottle of 50 x 0·5 gm. Tablets (7½ gr.)	3	0	0

(ii) Messrs. Chas Pfizer & Co., Inc. New York.

Procaine Penicillin G. U.S.P. Crystalline for aqueous injection 3,000,000 units per cc.

	Rs.	a.	p.
1 cc. vial	1	13	0
5 cc. vial	7	5	0
10 cc. vial	11	5	0

"Pronapen" Procaine Penicillin G. U.S.P. Crystalline for Aqueous injection with Buffered Sodium Penicillin G. Crystalline.—

	Rs.	a.	p.
4,000,000 units—1 c.c. vial	2	2	0
2,000,000 units—5 c.c. vial	9	0	0
4,000,000 units—10 c.c. vial	16	0	0

Each 1 c.c. of the Aqueous suspension provides 300,000 units of procaine penicillin and 100,000 units of sodium penicillin.

Procaine Penicillin G. U.S.P. Crystalline in oil with 2 per cent Aluminium Monostearate 3,00,000 units per c.c.—

	Rs.	a.	p.
3,000,000 units, 10 dose in 10 c.c. vials ...	10	10	0

Potassium Penicillin G. U.S.P. Crystalline Troches.—

10,000 units per troche-box of 24 troches Combiotic P—S.	3	5	0
Combination of pronapen 4 lacs units and Dihydrostreptomycin 1 gram, Single dose vial.	5	4	0

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Dihydrostreptomycin Sulphate U.S.P.—

	Rs.	a.	p.
Combination of Pronapen 4 lacs units and Dihydrostreptomycin ½ gram, Single dose vial.	3	13	0

Dihydrostreptomycin Sulphate U.S.P.—

Dihydrostreptomycin Sulphate highly purified product derived from a Crystalline Salt of pure Streptomycin base.)

	Rs.	a.	p.
1 gram vial	3	5	0
5 gram vial	14	11	0

(*iii*) *Messrs. Glaxo Laboratories.*

Dihydrostreptomycin Sulphate 'Glaxo'	2	13	0	each
Penicillin Oral Tablets 10's (200,000 units)	6	10	0	each

(*iv*) *Imperial Chemical Industries (India), Ltd.*

Sulphaguanidine 0·5 gm. Tablets.

		Rs.	a.	p.
Container of	25	1	12	0
Do	100	5	0	0
Do	500	23	2	0
Do	1,000 (*i.e.*, 125 cellophane stripe of 8 tablets each).	45	0	0

2. The following amendments shall be made in this Office Notification No. C. 410—Co. 4-52-10, dated 12th July 1952 :—

(1) Under the heading "Martin Harris & Co., Ltd., Calcutta, Vitamins Limited, London" *for* the entry relating to Assorvel (Ascorbic Acid C)—

	Rs.	a.	p.
Ampoules 6 x 5 c.c. x 100 mg.	10	6	0

Please *read* "Ascorvel (Ascorbic Acid C)—Ampoules 6 x 5 c.c. x 500 mg. ... ... 10 6 0"

(2) Under the heading "Messrs. William R. Warner & Co., New York" *for* the entry—

"Therta-Vita Capsules—30's ... ... 16 8 0"

read

"Thera-Vita Capsules—25's ... ... 16 8 0"

(3) Under the heading "Messrs. Merck & Co., Inc., U.S.A." *for* the entry—

	Rs.	a.	p.
"Dihydrostreptomycin—1 gm. vial ...	3	12	0"

read

"Dihydrostreptomycin Sulphate—1 gm. vial ... 3 12 0"

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

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NOTIFICATION.

No. C. 933—Co. 4-52-12, dated Bangalore, 8th November 1952.

In exercise of the powers conferred by Section 3 and Clause (*a*) of Sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In the sechedule annexed to the said notification, the following shall be added :—

"Messrs. Chas Pfizer & Co., Inc. New York."

Name of Drug.	*Maximum retail price.* Rs.	a.	p.
Terramycin ointment 30 mg. per gm. ½ oz. (14·2 gr.) tube ...	6	4	0
Terramycin Nasal solution 25 mg. Terramycin with 5 c.c. of Diluent.	6	0	0
Terramycin Soluble Tablet 50 mg. Terramycin per Tablet package of 24 tablets.	16	4	0
Terramycin Dental Paste 30 mg. Terramycin per gm. jar of 5 gm.	3	8	0

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

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NOTIFICATION.

No. T. 2548—R.T. 16-52-7, dated Bangalore, 5th November 1952.

The following draft of further amendments to the Mysore Motor Vehicles and Road Traffic Rules, 1945, which it is proposed to make in exercise of powers conferred by Section 68 of the Motor Vehicles Act, 1939, (Central Act IV of 1939) is hereby published, as required by sub-section (1) of Section 133 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken up for consideration after 15 days from the date of publication in the Gazette.

Any objections or suggestions which may be received by the Secretary to Government, Development Department, before the date specified above will be duly considered.

DRAFT AMENDMENTS.

I. *In Chapter IV of the said Rules*:—

(1) The second sentence in Rule 127 beginning from the words 'The Regional Transport Authority' and ending with the words "the date of Notification in the Gazette" shall be omitted.

(2) The 'full-stop' at the end of Rule 143-A shall be substituted by a 'Comma' and the words "and in the *Mysore Gazette*" added after the 'Comma'.

(3) In between the words "Transport Authority" and "not less than 15 days" occurring in Rule 143-B, the words "and in the *Mysore Gazette*" shall be inserted.

II. Chapter IX shall be omitted.

By Order of His Highness the Maharaja,

R. J. REGO,
Secretary to Government,
Development Department.

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NOTIFICATION.

No. T. 2580—R.T. 47-52-4, dated Bangalore, 6th November 1952.

In supersession of the Notification No. T. 844—R.T. 212-51-8, dated the 30th May 1952 and in exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, the Government of Mysore direct the reduction of the Quarterly Service Tax payable to Rs. 75 per vehicle per quarter in respect of Contract Carriages belonging to Messrs. The Hindustan Aircraft, Ltd., used solely for conveying the employees of the Hindustan Aircraft, Ltd., between Bangalore City and the Hindustan Aircraft Factory and the employees of the Indian Telephone Industries, Ltd., between Bangalore City and the Indian Telephone Factory, without deriving any profit by such conveyance of the employees of the Indian Telephone Industries, Limited.

By Order of His Highness the Maharaja,

R. J. REGO,
Secretary to Government,
Development Department.

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NOTIFICATION.

No. 4475—Law.150-52-4, dated Bangalore, 8th November 1952.

In exercise of the powers conferred by Article 165 (3) read with Article 238 (1) of the Constitution of India, and in partial modification of Notification No. 77—Law 388-49-5, dated 5th April 1950, defining the duties and the remuneration payable to the Advocate-General in Mysore, the Rajpramukh of Mysore, is pleased to make the following amendment to Part II of the said Notification :—

Substitute the following in place of sub-para (ii) (a) of para II under the heading "D—Remuneration" of the Notification, dated 5th April 1952 referred to above :—

"(a) for each day's attendance in a Criminal Court will be a fee not ordinarily exceeding Rs. 100 unless a higher sum is sanctioned by Government in consideration of the exceptional importance and difficulty of the case. When more than one case is conducted on the same day, separate fees not exceeding two-thirds of the above scale will be allowed for each case. When a case is adjourned without trial or merely struck off, the fee for the day should be limited to Rs. 25. No fee will be allowed for studying records for receiving instructions, for presenting an application or for filing a list of witnesses;"

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 4278—L.W. 127-52-4, dated Bangalore, 10th November 1952.

Whereas deduction from the wages of the persons employed in the Mahatma Gandhi Hydro-Electric Works, Jog, in respect of the membership fee payable by the employed persons to the Electrical Employees' Labour Association, Jog Falls, is beneficial to the employed persons concerned.

Now, therefore, in exercise of the powers conferred by Clause (m) of sub-section (2) of Section 7 of the payment of Wages Act, 1936 (Central Act IV of 1936) read with the payment of wages (Mysore Amendment) Act, 1952, (Mysore Act No. XV of 1952), the Government of Mysore are pleased specially to authorise the deductions from the wages of the persons employed in the Mahatma Gandhi Hydro-Electric Works, Jog, for payment of membership fees of the employed persons to the Electrical Employees' Labour Association, Jog.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 4231—LW. 167-50-31, dated Bangalore, 10th November 1952.

In exercise of the powers vested under Clause (a) of sub-section (1) of Section 5 of the Minimum Wages Act, 1948 (Central Act No. XI of 1948) and Rule 3 of the Mysore Minimum Wages Rules, 1951, the Government of Mysore are pleased to appoint the minimum wages (Agricultural) Committee consisting of the following members, to hold enquiries and to advise the Government in fixing the minimum wages in respect of employment in Agriculture in the State.

(1) *Representatives of Employers.*

1. Sri B. M. Puttanna Gowda, Ex-M.R.A., Belegadde, Koppa Taluk.
2. Sri H. M. Channabasappa, B.Sc., President, District Board, Mysore.
3. Sri V. Masiyappa, B.A., LL.B., M.L.A., Advocate, Chitaldrug.

(2) *Representatives of Employees.*

1. Sri K. V. Veerappa, D. No. 560, Petta Street, Malavalli.
2. Sri R. Muniswamiah, M.L.A., Kacheripalya, Doddballapur.
3. Sri C. T. Hanumanthaiya, M.L.A., Sarvadhikari, Kodihalli Mutt, Kodihalli P. O., Hosur, Sira Taluk.

(3) *Independent persons.*

1. Sri N. Madhava Rao, I.A.S., Revenue Commissioner in Mysore, Bangalore.
2. Sri B. S. Puttaswamy, B.A., B.L., Commissioner of Labour in Mysore, Bangalore.
3. Sri M. K. Appajappa, I.A.S., Director of Agriculture in Mysore, Bangalore.

The Government of Mysore are also pleased to appoint Sri B. S. Puttaswamy, B.A., B.L., Commissioner of Labour in Mysore, to be the Chairman of the Committee.

The Committee is requested to complete its work and submit its report *within three months* from the date of publication of this notification in the Gazette.

By Order and in the name of the Rajpramukh,
N. R. JAYA RAO,
Secretary to Government,
Law Department.

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PART IV.

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. C. 897—Co. 63-52-2, d ted angalo re, 4th November 1952.

Ordered that the accompanying Notification dated the 23rd October 1952 of the Government of India, Ministry of Commerce and Industry amending the Cotton Control Order, 1950, be republished in the *Mysore Gazette* for the information of public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 23rd October 1952.

S.R.O. In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Cotton Control Order, 1950, namely :—

In the said Order.—

1. In sub-clause (j) of Clause 2, the words and letter 'or B Class' shall be deleted.

2. In item (a) of Sub-clause (1-A) of Clause 7 for the words, letters and figures "1st September, 1947" and "season 1947-48", the words, letters and figures "1st September 1951" and "season 1951-52" shall respectively be substituted.

3. For sub-clause (1) of Clause 9A the following sub-clause shall be substituted, namely :—

   (1) There shall be the following two clauses of licences granted under this Order, namely :—

   (i) "A" class licence.

   (ii) "C" class licence.

4. For clause 9B the following clause shall be substituted, namely :—

"9B (1) Every person who—

(i) has held either an 'A' class license or a 'B' class licence during the cotton season 1951–52, or

(ii) has sold a minimum quantity of 1,000 bales of cotton directly to any manufacturer during any of the cotton seasons 1946-47, 1947-48, 1948-49, 1949-50, 1950-51 and 1951-52, or

(iii) is a member of the East India Cotton Association, Ltd., Bombay, or being a citizen of India, was a Member of the Karachi Cotton Association, Ltd., during any of the cotton seasons 1946-47 and 1947-48, or

(iv) has, during any of the cotton seasons 1949-50, 1950-51 and 1951–52, exported Indian cotton to any place outside India

shall be entitled to an "A" class licence.

(2) Every person who is not entitled for 'A' class licence or being entitled, does not apply for or is refused an 'A' class licence shall be eligible for a "C" class licence in the discretion of the authority competent to grant such licence.

Provided that notwithstanding any person being entitled to an 'A' class licence under this clause, the licencing authority may refuse to grant such licence to that person, if for reasons to be recorded in writing, it is of the opinion that that person is unfit to hold such a licence."

5. In the table in sub-clause (2) of clause 11 the entries "B class licence" and "Rs. 50" appearing respectively under columns 1 and 2 shall be deleted.

6. In Form 'A' :—

(*a*) for the letters, marks and words "A/B/C class licence" appearing below the words, figure and brackets "(see clause 9)" the following shall be substituted, namely :—

"A/C class licence".

(*b*) for clause 5, the following clause shall be substituted, namely :—

"5. The licensee shall not sell, hypothecate or pledge cotton to any person who does not hold a licence under the said Order or is not otherwise authorised to purchase cotton."

7. For Form 'B' the following shall be substituted, namely :—

"FORM 'B'

(See clause 10)

1. Applicant's name.
2. Where the applicant is a Corporation or a Partnership firm, the names of the Directors or the partners, as the case may be.
3. Applicant's full address.
4. Whether the application is for an 'A' class or 'C' class licence.
5. (*a*) Have you, during the 1951-52 season, held an 'A' or 'B' class licence ?

(b) (i) Are you a member of the East India Cotton Association, Ltd., Bombay?

(ii) Were you a member of the Karachi Cotton Association Ltd., during the cotton seasons 1946-47 or 1947-48?

(c) State the following particulars :—

(i)

Cotton Season	Quantity of cotton sold (in bales) directly to manufacturers
1946–47	
1947–48	
1948–49	
1949–50	
1950–51	
1951–52	

(ii)

Cotton Season	Quantity exported (in bales) to any place outside India
1949–50	
1950–51	
1951–52	

6. The location of the applicant's place of business, godowns and other premises used by him for the sale or storage of cotton (detailed address of these places should be given).

I have carefully read the conditions of the licence given in Form 'A' appended to the Cotton Control Order, 1950, and I agree to abide by them.

DECLARATION.

I hereby declare that the information given above is true to the best of my knowledge.

Signature of the Applicant."

8. In form 'C' in column 1 thereof—

(i) for item (a) of Serial No. 3 the following item shall be substituted, namely :—

" (a) Jarilla and H. 420".

(ii) for Serial No. 4 the following shall be substituted, namely :—

" 4. Punjab American.

(a) 216F,

(b) LSS,
(c) Other Americans."

(iii) for Serial No. 10 the following shall be substituted, namely :—

"10 Comptas—
(a) Jayadhar,
(b) Laxmi,
(c) Upland."

(iv) in Serial No. 11 after item (b) the following item shall be inserted namely :—

"(c) Rajapalayam".

9. In Form 'D'—

(i) in paragraph 2 of the Instructions for the words, letters and figures "No. 1 (57) Tex. 2/50, dated 21st August, 1950" the words, letters and figures "No. S.R.O. ....., dated the 23rd October, 1952" shall be substituted.

(ii) in the heading of column 2 for the figures "31-8-50" the figures "31-8-52" shall be substituted.

(iii) in the heading of each of the columns 3 to 8 for the figure "1-9-50" the figure "1-9-52" shall be substituted.

(iv) in column 1 for Serial No. 4 the following shall be substituted, namely :—

"4. Punjab American—
(a) 216F,
(b) LSS,
(c) Other Americans."

(v) In column (1) for Serial No. 10 the following shall be substituted, namely :—

"(10) Comptas—
(a) Jayadhar,
(b) Laxmi,
(c) Upland."

(vi) in column 1 in Serial No. 11 after item (b) the following shall be inserted namely :—

"(c) Rajapalayam".

With the compliments of :—

The Textile Commissioner to the Government of India,

Ministry of Commerce and Industry,

Wittet Road, Ballard Estate, Bombay.

No. TCP-31] PRESS NOTE. 23rd October, 1952.

By a notification published in a *Gazette of India* Extraordinary dated the 23rd October, 1952, the Government of India have amended the Cotton Control Order, 1950. The said notification provides that :—

(i) there shall be only two classes of licensees, *viz.*, "A" and "C";

(ii) the following persons are eligible for "A" class licence :—

(*a*) one who has sold a minimum quantity of 1,000 bales of cotton directly to any manufacturer during any of the cotton seasons, 1946-'47, 1947-'48, 1948-'49, 1949-'50, 1950-'51 and 1951-'52;

(*b*) one who is a member of the East India Cotton Association, Ltd., Bombay, or being a citizen of India, was a member of the Karachi Cotton Association during any of the cotton seasons, 1946-'47 and 1947-'48;

(*c*) one who has held either an "A" class or "B" class licence during the cotton season 1951-'52; and

(*d*) one who has, during any of the cotton seasons 1949-'50, 1950-'51 and 1951-'52, exported Indian cotton to any place outside India.

"A" class licence will be issued by the Textile Commissioner, Bombay.

(iii) the issue of "C" class licence will be in the discretion of the Authority competent to grant such licence.

(iv) there shall be no restriction on transactions *inter se* by licensees;

(v) an "A" class licensee will be entitled to operate throughout India, while a "C" class licensee will be eligible to carry on business only in the area for which the licence is issued.

2. By another notification published in the same *Gazette of India* Extraordinary, the Textile Commissioner has prescribed the minimum and maximum prices in respect of various descriptions of Indian cotton (except H420 and MA.5 the prices of which will be notified later) of the season 1952-'53. The floor prices applicable to the 1952-'53 crop announced by the Government of India in their press note dated the 1st July, 1952 are incorporated in this notification. The floor prices applicable to the 1952-'53 crop are Rs. 55 higher than the floor prices applicable to the 1951-'52 crop in respect of those varieties which had floor prices during the 1951-'52 season. No floor prices have been provided for Dhollera, Kalagin, Bengal Deshi, Oomra Deshi, Mathia and Mungari, C.P. I and C.P. II and Central India Cotton. Other notable changes are :—

(i) Punjab 289F has been replaced by Punjab 216F (including Punjab 320F);

(ii) Punjab 216F and 320F and Laxmi of the reserved area are brought under price control and accorded the same prices as for Cambodia of Madras State; Buri 0394 has also been brought under price control and accorded the price of Buri American;

(iii) Cambodia C04 (including C04/B40, Cambodia Uganda 1), otherwise known as Rajapalayam cotton grown in the States of Madras, Bhopal and Bombay, is outside price control, provided it is of 1" and above and conforms to certain conditions prescribed.

(iv) Certain varieties, if they satisfy the conditions prescribed and if they have been grown in areas reserved by the Agricultural Department of the State concerned for the purpose of procuring pure seed for sowing and if the crop has been duly rogued by removing off type plants, have been accorded suitable premium over the prices of corresponding varieties.

The price notification also provides that no cotton shall be considered to be of a quality superior to the basic quality unless its superior staple and class have been certified by the East India Cotton Association, Ltd., Bombay, and the maximum

price of such cotton shall then be in accordance with the description, staple and class mentioned in such certificate. It further provides for an appeal to the Textile Commissioner's Committee (which is the same as during 1951-'52) where the buyer or the seller does not accept the certificate from the East India Cotton Association. The decision of the Committee shall be final and the maximum price of such cotton shall be in accordance with such decision.

3. By yet another notification published in the same *Gazette of India* Extraordinary, the Textile Commissioner has permitted trading in the crop of the 1952-'53 season as follows :—

(*a*) Ready Contracts;

(*b*) Delivery Contracts; that is to say Forward Contracts for cotton (full-pressed, half-pressed or loose) of specific description and for specific delivery at specified price, delivery orders, railway receipts or bills of lading in respect of which are not transferable to third parties.

4. The Government's decision regarding "Hedge" trading in cotton will be announced shortly.

5. For the cotton year 1952-'53, each mill is likely to receive allocations of India cotton equivalent to its actual consumption of this cotton during the cotton year 1951-'52. Initially, however, 33⅓ per cent of this figure will be allocated and will be in terms of State-wise quotas. Additional quantities of cotton required for consumption during this year will have to be met from imports within the import policy as may be announced by Government from time to time. The quantities of stocks lying with mills as on 31st August, 1952, will be treated as reserves.

A. S. E. IYER,
Director (Publicity).

ELECTION COMMISSION, INDIA.

New Delhi.

NOTIFICATION.

No. MY-A—52 (116), dated 12th November 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (17), dated the 24th April 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act, respectively :—

Shri G. S. Mahadevappa,
Merchant, Gubbi,
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV.

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 1359—L.A. 73-52-1, dated Bangalore, 18th November 1952.

The following Order made by the Rajpramukh of Mysore is hereby published :—

ORDER.

In exercise of the powers conferred upon me by sub-clause (a) of clause (2) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Rajpramukh of Mysore, hereby prorogue the Mysore Legislative Assembly.

JAYA CHAMARAJA WADIYAR,

Maharaja of Mysore.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 1360—L.A. 73-52-2, dated Bangalore, 18th November 1952.

The following Order made by the Rajpramukh of Mysore is hereby published :—

ORDER.

In exercise of the powers conferred upon me by sub-clause (a) of clause (2) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Rajpramukh of Mysore, hereby prorogue the Mysore Legislative Council.

JAYA CHAMARAJA WADIYAR,

Maharaja of Mysore.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. S.D. 5432—C.70-52-11, dated Bangalore, 17th November 1952.

THE PADDY ACQUISITION (HARVEST) ORDER, 1952.

In exercise of the powers conferred by sub-sections (1) and (2) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) read with the Government of India, Ministry of Food, Notification No. S.R.O. 703, dated 4th October 1950 as amended by Notification No. CG. 603 (3)/XXI (1), dated 21st July 1951, and with the previous concurrence of the Central Government, the Government of Mysore are pleased to make the following Order :—

Short title.

1. This Order may be called the Paddy Acquisition (Harvest) Order, 1952.

Extent and commencement.

2. It extends to the whole of the State of Mysore, and shall come into force at once.

Definitions.

3. In this order, unless there is anything repugnant in the subject or context,—

(*a*) "Amildar" includes a Special Sheristedar, a Special Officer appointed for the acquisition of paddy and any officer not below the rank of a Taluk Sheristedar; and "Taluk" includes a sub-taluk.

(*b*) "Holder" includes a tenant, lessee and a person having such an interest in land on which paddy is grown, as will entitle him to a share of the produce of such land, and includes also persons or institutions having such interests.

(*c*) "Paddy" includes standing crops, crops reaped rice and other derivatives of paddy.

(*d*) "Surplus Holder" means a Holder who has been declared to be a surplus holder under clause 7 of the Articles of Food Acquisition (Harvest) Order, 1949, during

any of the previous years and required to deliver to the Government not less than 25 seers of paddy, and such holders as may become surplus holders under clause 6 (iii).

(*e*) "Agricultural Operation" means ploughing, manuring, sowing, weeding, reaping and other such operations connected with the business of raising or tending or gathering of crops of paddy on land on which such crops are grown.

(*f*) "Village" means a local area recognised by Government as a village for purposes of collecting the land revenue and includes a *dakhle* village and an alienated village.

(*g*) "Chavadi" means and includes the village "chavadi" where one exists, and in respect of "becharak" and other villages not having a "chavadi" such other place as may be specified by the Amildar of the taluk as the "chavadi" for the purposes of this Order.

Possession, sales and other transactions.

4. (i) No person, whether a holder or otherwise, who has in his possession or under his control, in any place within Mysore, any paddy whether grown on lands of which he is the holder, or otherwise, shall sell, or otherwise dispose of, or move, cause or permit to be moved, or use or conserve such paddy except as provided for in this order.

(ii) Subject to the provisions of this order and except with the permission of the Government, no person shall purchase, acquire, receive or come into possession in any manner whatsoever of any paddy:

Provided that this sub-clause shall not apply to the purchase, acquisition or receipt of paddy from the Government or to the purchase from any person or authority duly authorised by Government to sell such paddy.

Provided further that when a Holder dwells in an area where rationing of foodgrains is in force and where the holder himself does not actually cultivate the lands, the quantity of paddy allowed to be retained or possessed for use by the holder for his *bona fide* purposes shall be limited to 12 ozs. of rice per day for every person except children below 8 years of age who will receive half the quantity.

(iii) Paddy, if sold, shall be sold only to Government. Sales or other alienations otherwise than to Government or to any agent appointed by Government are hereby prohibited, and such transactions, if made, shall be null and void.

5. Persons who are not holders shall be allowed to retain or possess for their *bona fide* use such quantities of foodgrains as are allowed on ration cards or any other documents which are in force in the areas in which they reside or in which such foodgrains are kept. Non-holders.

6. (i) The quantity of paddy to be delivered by every surplus holder shall be determined by the Amildar of the Taluk and shall be the average of the assessed and surrendered surpluses in respect of such holder in the previous years less ten per cent of such average. Determination of paddy to be delivered by surplus holders.

(ii) Every surplus holder shall deliver to Government the quantity of paddy determined by the Amildar under sub-clause (i) within a month from the date of harvesting the crop. Such delivery shall be made at the nearest purchase depot in his locality and a receipt obtained therefor in the appended Form A.

(iii) A register in Form B called the Register of Surplus Holders shall be maintained in respect of every village in duplicate, one copy being maintained by the Village Shanbhog and the other in the Taluk Office. This register should be examined from time to time and revised so as to include new surplus holders who become liable to deliver paddy to Government and to remove such holders as become incapable of delivering paddy to Government due to transfer of lands from one person to another, increase or decrease in the extent and yield of the holding and such other reasons which may be considered valid by the Amildar.

(iv) A list of names of surplus holders of each village, the quantity of paddy to be delivered by each of them, and the time within which and the name of the depot at which the paddy is to be delivered, shall be published in the chavadi of the village and also by beat of *tom tom* in the village. On such publication, the quantity of paddy determined under sub-clause (i) shall vest in Government free from all encumbrances.

7. Any person aggrieved by an order under sub-clause (i) of clause (6) may apply to the Amildar for review of the order within one month from the date of publication under sub-clause (iv) of clause 6. Such application may be made to the Amildar through the Revenue Inspector. Review.

8. (i) On an order passed by the Amildar under clause 7, an appeal shall lie to the Sub-Division Officer Appeals.

provided such appeal is presented within 15 days from the date of the order.

(ii) The Deputy Commissioner, may *suo moto* or on the application of any aggrieved person, call for the records from the Amildar or the Sub-Division Officer and pass such orders thereon as he deems fit. The Order of the Deputy Commissioner shall be final.

(iii) When a review petition under clause 7 or an appeal under this clause, is presented, the holder shall deliver the uncontested portion of paddy and file a delivery receipt in respect of the same along with his review or appeal petition. No review or appeal petition shall be entertained if it is not accompanied by such a receipt.

(iv) In cases where the entire demand is contested, or a portion of the demand is contested, the entire quantity demanded or the balance of paddy after delivery to the Government of the uncontested portion, as the case may be, shall be taken over by the Amildar, or other officer authorised by him in this behalf, and left in the custody of the Patel who shall act as a receiver pending decision of the appeal.

Obtaining of information.

9. For the purposes of this order, every holder of land and every person in possession of any information relating to any land, or paddy grown thereon, or the yield thereof, or information regarding storage, movement, sales or other transaction relating to paddy, shall when so required by any Officer referred to in Schedule I furnish such information to him.

Power of entry for obtaining information.

10. Any Officer of the Revenue or Food Department.—

(*a*) may enter upon and inspect any land on which paddy crops are grown or threshed or stored, and take such action as may be necessary to determine the yield thereof;

(*b*) may enter upon and inspect any building or place where paddy is stored or stocked or warehoused.

Delivery.

11. (i) The quantity of paddy as determined in the above manner shall be delivered within the specified period by the holder at the Government Purchase Depot notified in the demand lists published at the "chavadi" in accordance with sub-clause (iv) of clause 6 or which may be notified hereafter from time to time.

(ii) The Deputy Commissioners of Districts may, within their jurisdictions and with the approval of the Director of Food Supplies in Mysore, open additional depots when necessary or abolish any of the purchase depots notified when no longer required, duly notifying the addition or the abolition in the *Mysore Gazette*, the consequential vacancies being notified by the Amildar in the "chavadi".

12. (i) In Order to secure the delivery of paddy to the Government, notwithstanding anything contained in this Order, it shall be lawful for the Amildar :— Precautionary measures.

(*a*) to require that the crop growing on any land on which the surplus has not yet been assessed or recovered shall not be reaped until a notice in writing has first been given to himself or to some other officer authorised by him in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt ;

(*b*) to direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it may have been deposited, without the written permission of himself or of some other officer as aforesaid ;

(ii) The order of the Amildar under paragraph (*a*) or paragraph (*b*) of sub-clause (i) may be issued either generally to all the holders of land in a village or to individual holders.

If the order is of a general nature, it shall be made known by beat of *tom tom* in the village and by affixing a copy of the order in the "*chavadi.*" If the order is addressed to individual holders, a notice thereof shall be served on each such holder.

(iii) The Amildar shall not defer the reaping of the crop or prolong its deposit unduly so as to damage the produce, and if the holder does not get orders within 20 days after his application has been presented to the Amildar for reaping and removing the crop, the holder shall be at liberty to reap and harvest the crop as if the permission had been granted by the Amildar.

(iv) If, after the crop has been deposited, the holder does not have the crop threshed within a month after permission and deliver the quantity of paddy demanded

under sub-clause (i) of clause 6, the Amildar shall have it threshed at the cost of the holder and after retaining the quantity demanded, deliver the balance to the holder.

Receipt obtained by tenant or lessee.

13. A receipt obtained by a tenant or lessee from any Government depot in accordance with the provisions of this Order for delivery of the paddy due by his landlord or superior holder shall be a valid discharge *vis, a vis* such landlord or superior holder, and no suit by the landlord shall lie against the tenant for recovery of the paddy so delivered.

Entry and seizure of paddy vesting in Government.

14. Any Revenue or Food Department Officer not below the rank of a Revenue Inspector, and any Police Officer not below the rank of a Jamedar, shall have power to enter upon any land, place, building or vehicle and seize any paddy which has been sold or removed or disposed of in contravention of this Order, or which having vested in, or being at the disposal of Government, has not been delivered to Government in accordance with the provisions of this Order.

Price.

15. (i) The holder shall be paid for paddy delivered to Government at the prices mentioned in Schedule II except in cases provided in clause 12 of clause 14. Such payment may be made by the Amildar, or any other person appointed by Government in this behalf.

(ii) In respect of paddy delivered by a tenant, lessee or any other person on behalf of a landlord, superior holder or any other person having an interest in the land or crop, the price or compensation therefor shall be held in deposit and be paid to such landlord, superior holder or other person, on preferring and establishing a claim.

Movement and transport.

16. (i) All movement or transport of paddy;

(*a*) from any place in the State to any place outside the State, OR

(*b*) from or into statutorily rationed areas; OR

(*c*) through the Railway from any station in the State to any other Station in the State, is prohibited, except when such movement is authorised by a permit issued for the purpose by a competent authority appointed by Government:

Provided that, nothing in this sub-clause, shall apply to the movement or transport of paddy;

(1) on Government account; or

(2) from one rationed area to another rationed area or from any non-rationed area to a rationed area within the State of paddy or rice not exceeding 10 seers of paddy or 5 seers of rice per adult and 5 seers of paddy or 2½ seers of rice per child below eight years of age for *bona fide* personal consumption; or

(3) under and in accordance with (*a*) Military Credit Notes, or (*b*) a Certificate issued by the appropriate Military Authority to a person in the Armed Forces of the Union on leave:

Provided, further, that a holder of land situated in the Mysore State but residing in the Madras State, may transport on a permit to be issued by the Deputy Commissioner of the District in which such a land is situate, such quantity of paddy from out of the yield of the land as is required for one year or until the next harvest, whichever is earlier, for *bona fide* consumption of the family of the holder, as certified by the authority concerned who has jurisdiction over the place in which the holder resides subject to the condition that he has surrendered to Government the entire quantity of paddy as determined under Clause 6.

(ii) Subject to the provisions of sub-clause (i) all movement or transport of paddy from any place to any other place in the State is prohibited, during such period of acquisition of paddy not exceeding three months as the Deputy Commissioner may for any local area notify in this behalf, except when such movement or transport is—

(*a*) in respect of 20 seers of paddy or 10 seers of rice, or

(*b*) authorised by a permit issued for the purpose by a competent authority appointed by the Government:

Provided that nothing in this sub-clause shall apply to the movement or transport of paddy from the holding to the residence or store of the holder of the land or to a rice mill for hulling paddy for domestic purposes, except in cases where such movement or transport has been prohibited by the Amildar under the provisions of clause 12.

Repeal and Savings.

17. The Articles of Food Acquisition (Harvest) Order, 1949, published under Notification No. S.D. 4054—C. 73-49-4, dated 21st November 1949, as amended from time to time, is hereby repealed. But such repeal shall not—

(*a*) affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or

(*b*) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any of its provisions; or

(*c*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Order had not been passed.

SCHEDULE I.

Officers authorised to obtain information.

(Under Clauses 9 and 10).

1 Village Officers.

2 All Officers of Food and Revenue Departments.

3 Other Officers specially authorised by the Deputy Commissioners within their Districts.

SCHEDULE II.

Purchase prices of paddy.

	Per palla of 100 seers		
	Rs.	a.	p.
Paddy I Quality	25	0	0
Paddy II Quality	23	0	0

Note:—(1) The purchase prices given above are payable for the delivery of the grain at the depots to be notified in the "Chavadi" of the village.

(2) For the grains delivered at the village where they are produced, if there should be no authorised depot at such village and if the grain is accepted as a special case, the price paid will be eight annas less per palla.

(3) If the grain delivered contains chaff and impurities, the party delivering it will be required to clean it at his cost. Payment will be made only for the cleaned grain. If the party does not clean it, this will be got done at his cost.

The following are the kinds of paddy grouped under the varieties :—

I QUALITY.

1 Coimbatore Sanna
2 Nagapur Sanna
3 Rajabhoga
4 Alur Sanna
5 Brahmasala
6 Bangarakaddi
7 Ratnachudi
8 Kadur Sanna
9 Bangara Theegai
10 Sakalathi Sanna
11 Kempu Sanna
12 Gunsale
13 Salem Sanna
14 Garuda Kembuthi (grown in Mandya District)
15 Ballari Sanna (grown in Bagepalli Taluk in Kolar District)

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II QUALITY.

1 Mysore Kaddi
2 Maralukanthi
3 Devamallige
4 Halubbalu
5 Ramasagara
6 Hassan Dappa
7 Dabbanasala
8 Farm Kaddi
9 Kari Bhatha
10 Bangar Bili Byra Bhatha
11 Ballari Bhatha
12 Chintamani Sanna
13 Kembuthi (of Mysore and Hassan yielding white rice)
14 Salu Bhatha
15 Sampigedala Bhatha
16 Nallur Sanna
17 Garike Sanna
18 Kyasari
19 Chippiga
20 Hasade
} of Hassan and other Malnad Districts yielding white rice.
21 Puttabhatta
22 Hunase Hubu Bhatha
23 Karu
24 Malnad Gidda
25 Bagade
26 Chippiga
27 Kembuthi
28 Kyasari
29 Halmaradi
30 Hasadi
31 Dodda Byra Bhatta
32 Karusambla
33 Kodothi Sanna
34 Jungu
35 Mullubhatta
36 Togarsi

FORM A. (*Vide* CLAUSE 6 II).

.....Village.....Hobli.....Taluk.

1	Name...	.....
2	The quantity of foodgrains to be delivered to Government	Paddy Pallas Seers
3	The quantity delivered to Government Depot. Name of the Depot ...	.....
	Date of delivery	.....
	Quantity delivered	Paddy Pallas Seers
4	Receipt No.	.....
	Cost of paddy	Rs. As. Ps.
	Date of payment	.....
	Signature of the Officer making payment.	.....

Date.....

.....Taluk Amildar.

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FORM B. (*Vide* CLAUSE 6 III)

Levy Register under the Paddy Acquisition (Harvest) Order, 1952.

.....Village.....Hobli.....Taluk

1 Serial Number.....

2 Name of surplus Holder.....

3 The quantity of foodgrains assessed and surrendered by the holder during previous years.....

	Year	*Quantity assessed*	*Quantity surrendered.*
Paddy ...	1947	.....	.....
	1948	.....	.....
	1949	.....	.....
	1950	.....	.....
	1951	.....	.....

4 Quantity to be delivered to Government by the holder during the current harvest.....

Paddy..... Pallas..... Seers.....

Shanbhog..... ..... Revenue Inspector..... Amildar..... .....

By Order and in the name of Rajapramukh,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

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NOTIFICATION.

No. L. 13322—Ml. 69-52-2, Bangalore dated, 15th November 1952.

In exercise of the powers conferred by sub-sections (2) and (3) of Section 23 and Section 208 of the Mysore Town Municipalities Act, 1951 (Mysore Act No. XXII of 1951), the Government of Mysore is pleased to direct that the following further amendments shall be made in Notification No. L. 8606—Ml. 150-51-3, dated the 12th November 1951, issuing the rules for regulating the election to the offices of President and Vice-President of a Town Municipal Council, namely:—

1. In the preamble to the said Notification for the words and figures "and in supersession of the rules made in Notification No. L. 3055—Ml. 207-27-1, dated the 26th November 1927" the words, letters and figures "and in supersession of Notifications No. L. 3055—Ml. 207-27-1, dated 26th November 1927 and No. L. 8264—Ml. 25-34-1, dated 22nd—29th May 1935" shall be substituted.

2. Rule 2 of the said rules shall be re-numbered as sub-rule (1) of the rule 2 and after the rule so re-numbered the following sub-rule shall be inserted, namely:—

"(2) Any nomination paper which is not delivered before 5 O'clock in the afternoon on the last day on which it should be delivered in accordance with the provisions of sub-rule (1), shall be rejected by the person convening the meeting".

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,

Local Self-Government Department.

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PART IV

Section 1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 1374—Legis. 3-52-10, Bangalore, dated 20th November 1952.

Ordered that the Mysore High Court (Extension of Jurisdiction to Coorg) Bill, 1952 and the Sugar (Temporary Additional Excise Duty) Bill, 1952 (Central Bills No. 97 and 105 of 1952), introduced in the House of the People on 5th November 1952, published in the *Gazette of India*, Part II, Section 2, dated the 8th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOUSE OF THE PEOPLE.

BILL NO. 97 OF 1952.

A Bill to extend the jurisdiction of the High Court of Mysore to the State of Coorg and to provide for matters connected therewith.

BE it enacted by Parliament as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore High Court (Extension of Jurisdiction to Coorg) Act, 1952.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act,—

(a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

(b) "Coorg Order" means the Madras High Court (Extension of Jurisdiction to Coorg) Order, 1948, made by the Governor-General of the 28th day of February, 1948;

(c) "proceeding in relation to Coorg" means any appeal or other proceeding from, or in respect of any judgment, decree or order of any court or tribunal within the State of Coorg.

3. **Extension of jurisdiction of Mysore High Court to, and exclusion of the jurisdiction of Madras High Court from, Coorg.**—Save as otherwise expressly provided in any other enactment, as from the appointed day,—

(a) the jurisdiction of the High Court of Mysore shall extend to the whole of the State of Coorg; and

(b) the jurisdiction of the High Court at Madras to entertain, or dispose of, any proceeding in relation to Coorg, whether such jurisdiction is exercisable by virtue of the Coorg Order or of any enactment specified in the Schedule, shall cease.

4. **Transfer of pending proceedings to Mysore High Court.**—Save as otherwise expressly provided in any other enactment, all proceedings in relation to Coorg pending in the High Court at Madras immediately before the appointed day shall by virtue of this Act stand transferred to the High Court of Mysore and shall be disposed of by it in exercise of the jurisdiction conferred on it by this Act.

5. **Effect of orders of Madras High Court.**—Any decree or order in any proceeding in relation to Coorg made before the appointed day by the High Court at Madras shall, for all purposes have effect, not only as an order of that court, but also as if it were an order made by the High Court of Mysore in the exercise of the jurisdiction conferred on it by this Act.

6. **Amendment of certain enactments.**—The enactments specified in the Schedule shall be amended in the manner specified therein.

7. **Coorg Order to cease to have effect.**—As from the appointed day, the Coorg Order shall cease to have effect.

THE SCHEDULE.

(*See* Section 6).

1. The Indian Divorce Act, 1869 (IV of 1869).	In sub-clause (e) of clause (1) of section 3, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.
2. The Indian Stamp Act, 1899 (II of 1899).	In clause (e) sub-section (1) of section 57, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.
3. The Indian Patents and Designs Act, 1911 (II of 1911).	In sub-clause (e) of clause (7) of section 2, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.

4. The Official Trustees Act, 1913 (II of 1913).	In sub-clause (*e*) of clause (*2*) of section 2, for the words "the High Court at Madras" the words the "the High Court of Mysore" shall be substituted.
5. The Administrator General's Act, 1913 (III of 1913).	In sub-clause (*e*) of clause (*12*) of section 2, for the words "the High Court at Madras" the words "the High Court of Mysore" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Prior to 1948, the judicial needs of the Province of Coorg were served by the Court of the Judicial Commissioner, Coorg. In 1948, by the Madras High Court (Extension of Jurisdiction to Coorg) Order, 1948, the Court of the Judicial Commissioner of Coorg was abolished and the jurisdiction of the High Court at Madras was extended to Coorg. The arrangement is not convenient to the Coorg litigant public, Bangalore being much nearer to Coorg than Madras and the official language of Coorg being the same as that of Mysore. In December 1951, the late Coorg Legislative Council passed by a majority a resolution recommending that the High Court of Mysore should be constituted as the High Court of Coorg. The proposal was accepted by the Government of Mysore and it has since received the support of the Council of Ministers of Coorg. The present Bill gives effect to the proposal.

KAILAS NATH KATJU.

NEW DELHI;
The 8th October, 1952.

BILL* No. 105 OF 1952.

A Bill to provide for the levy and collection for a temporary period of an additional duty of excise on sugar.

BE it enacted by Parliament as follows :—

1. Short title and extent.—(*1*) This Act may be called the Sugar (Temporary Additional Excise Duty) Act, 1952.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means the 6th day of November, 1952 ;

(*b*) "sugar" means any form of sugar containing more than ninety *per cent* of sucrose, but does not include—

(*i*) *khandsari* sugar, that is to say, sugar in the manufacture of which neither a vacuum pan nor a vacuum evaporator is employed, and

---

*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to the House of the People the introduction of the Bill.

(ii) *palmyra* sugar, that is to say, sugar manufactured from jaggery obtained by boiling the juice of the *palmyra* palm;

(c) "finished sugar" means sugar fully manufactured and ready for marketing.

3. Levy and collection of additional duty of excise on certain forms of sugar.—(1) There shall be levied and collected in respect of all sugar manufactured on or after the appointed day in the territories to which this Act extends, and on all sugar lying in stock on the appointed day in any factory where sugar is manufactured or in any premises appurtenant thereto, a duty of excise at the rate of one rupee and six annas per cwt.:

Provided that no such duty shall be levied in respect of that quantity of finished sugar, if any, lying in stock in any such factory or premises on the appointed day which is in excess of the quantity of finished sugar manufactured in the factory before the appointed day from the sugar-cane crop commonly known as the 1952-53 sugar-cane crop.

(2) The duty of excise specified in sub-section (1) shall be in addition to the duty of excise chargeable on sugar under the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944), and shall be levied and collected in the same manner as the duty of excise on sugar is levied and collected under that Act.

4. Power of Central Government to discontinue levy.—The Central Government may, by notification in the Official Gazette, declare that, with effect from such date as may be specified in the notification, the additional duty of excise leviable under this Act shall, for the reasons specified in the notification, cease to be levied in any specified area or on sugar generally or on sugar manufactured in a specified factory.

Declaration under the Provisional Collection of Taxes Act, 1931.

It is hereby declared that it is expedient in the public interest that the provisions of clause 3 of this Bill shall have immediate effect under the Provisional Collection of Taxes Act, 1931 (XVI of 1931).

STATEMENT OF OBJECTS AND REASONS.

The minimum price to be paid by vacuum-pan sugar factories for sugar-cane delivered at their gate during the 1952-53 season has been fixed by the Central Government at Rs. 1-5-0 per maund as against Rs. 1-12-0 per maund in 1951-52. With this substantial reduction in the price of sugar-cane, the internal consumer would naturally expect a reduction in the price of sugar also. It will not, however be possible to release for consumption the sugar produced from the 1952-53 low price cane until the controlled sugar of 1951-52 season produced from high price cane, has been nearly exhausted. The reason is that Government have guaranteed controlled prices for the 1951-52 sugar varying from Rs. 29-12-0 per maund to Rs. 34-14-0 per maund in different regions.

2. The carry-over of the 1951-52 stocks of controlled sugar with factories on the 30th November 1952 is estimated at about 4 lakhs tons, and will last for nearly 4 months more. *i.e.*, up to the end of March, 1953.

3. With a view, however, to giving speedy relief to the consumer, and facilitating transition from high-priced to low-priced sugar, the ex-factory price of 1951-52 sugar will be reduced when the new sugar generally becomes available for consumption. For the time being, however, the loss incurred by these reductions in prices on the 1951-52 sugar, which is estimated at Rs. 4·3 crores, is proposed to be recovered from the consumer by the levy of an additional excise duty of Rs. 1-6-0 per cwt. (*i.e.*, Re. 1 per maund) on all sugar of the 1952-53 season in stock with factories on the 6th November, 1952, or produced on or after that date. If the proposed levy is not imposed, the price of 1952-53 sugar would be about Rs. 6 to Rs. 7 per maund lower than the controlled rate of 1951-52. With the additional levy, this benefit to the consumer would be reduced by Re. 1 per maund. On the other hand, it would enable the issue price of the entire carry-over of the 1951-52 controlled sugar to be reduced, as quickly as possible, by Rs. 4 per maund on the average.

4. The present Bill gives effect to these proposals and also contains a provision whereby the additional duty may be discontinued in any case where the object of this Bill has been achieved.

C. D. DESHMUKH.

NEW DELHI,
The 25th October, 1952.

M. N. KAUL,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L. D. 1336—Legis. 4-52-47, Bangalore, dated 11th November 1952.

Ordered that the Iron and Steel Company Amalgamation Order, 1952 (Central Ordinance No. VIII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 29th October 1952, be republished in the *Mysore Gazette*, for general information.

GOVERNMENT OF INDIA.
MINISTRY OF LAW.

THE IRON AND STEEL COMPANIES AMALGAMATION ORDINANCE, 1952

No. VIII OF 1952

An Ordinance to make special provision, in the interests of the general public and the Union, for the amalgamation of certain companies closely connected with each other in the manufacture and production of iron and steel, and for matters connected therewith or incidental thereto.

WHEREAS for the purpose of securing, in the interests of the general public and the Union, the efficient and economical expansion and working of the iron and steel industry in India, it is essential that the Steel Corporation of Bengal, Limited, and the Indian Iron and Steel Company, Limited, which are engaged in the manufacture and production of iron and steel should be amalgamated ;

AND WHEREAS to give effect to the scheme of the Central Government for the expansion of the iron and steel industry and to make available further resources for such expansion, it is necessary that the said companies should be amalgamated with as little delay as possible ;

AND WHEREAS the amalgamation of the said companies is also in pursuance of successive recommendations made by the Tariff Board and the Tariff Commission ;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(*1*) This Ordinance may be called the Iron and Steel Companies Amalgamation Ordinance, 1952.

(*2*) It shall come into force at once.

2. Definitions.—In this Ordinance, unless the context otherwise requires —

(*a*) "appointed day" means the 1st day of January, 1953;

(*b*) "the dissolved company" means the Steel Corporation of Bengal, Limited, formed and registered under the Indian Companies Act, 1913 (VII of 1913);

(*c*) "the Iron and Steel Company" means the Indian Iron and Steel Company, Limited, formed and registered under the Indian Companies Act, 1913 (VII of 1913);

(*d*) "prescribed" means prescribed by rules made under this Ordinance.

3. Amalgamation of certain companies engaged in the iron and steel industry.—(*1*) As from the appointed day, the undertaking of the Steel Corporation of Bengal, Limited, shall be transferred to and shall vest in the Iron and Steel Company.

(*2*) The undertaking of the dissolved company shall be deemed to include all rights, powers, authorities and privileges and all property, movable or immovable, including cash balances, reserves, revenue balances, investments and all other interests and rights in or arising out of such property as may belong to, or be in the possession of, the dissolved company immediately before the appointed day, and all books, accounts and documents relating thereto, and shall also be deemed to include all debts, liabilities and obligations of whatever kind then existing of the dissolved company.

4. Special Provision for the transfer of certain items of property.—For the purposes of this Ordinance, all the profits of the dissolved company for the year1952 and the revenue reserves of the dissolved company, when transferred to the Iron and Steel Company under the provisions of this Ordinance, shall be deemed to be respectively the profits of the Iron and Steel Company for the said year and revenue reserves of the said company:

Provided that nothing in this section shall entitle a director or a managing agent of the Iron and Steel Company to any commission or other remuneration in respect of any profits so transferred.

Saving of contracts, etc., to which the dissolved company is a party.—Subject to the other provisions contained in this Ordinance, all contracts, deeds, bonds, agreements and other instruments of whatever nature to which the dissolved company is a party, subsisting or having effect immediately before the appointed day, shall be of as full force and effect against or in favour of the Iron and Steel Company, as the case may be, and may be enforced as fully and effectually as if, instead of the dissolved company, the Iron and Steel Company had been a party thereto.

6. Saving of legal proceedings to which the dissolved company is a party.—If, on the appointed day, any suit, appeal or other legal proceeding of whatever nature by or against the dissolved company is pending, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer to the Iron and Steel Company of the undertaking of the dissolved company or of anything contained in this Ordinance, but the suit, appeal or other proceeding may be continued,

prosecuted and enforced by or against the Iron and Steel Company, in the same manner and to the same extent as it would or may be continued, prosecuted and enforced by or against the dissolved company if this Ordinance had not been promulgated.

7. Terms of transfer as respects shareholders in the dissolved company.—(*1*) As soon as may be after the appointed day, the Iron and Steel Company shall, subject to the rules, if any, made in this behalf, allot to every person registered as a shareholder in the dissolved company immediately before the appointed day,—

(*a*) if he is the holder of preference shares, as many preference shares in the Iron and Steel Company as are equivalent in number and value to the preference shares held by him in the dissolved company immediately before the appointed day, and

(*b*) if he is the holder of ordinary shares, four ordinary shares for rupees ten each in the Iron and Steel Company for every five ordinary shares for rupees ten each held by him in the dissolved company immediately before the appointed day, being the relative values of the two shares as determined by the Tariff Commission established under the Tariff Commission Act, 1951 (L of 1951).

(2) Notwithstanding anything contained in any other law for the time being in force, any report made by the Tariff Commission before the commencement of this Ordinance respecting the value of ordinary shares in the Iron and Steel Company in relation to the value of ordinary shares in the dissolved company shall be deemed to have been validly made and shall not be called in question in any court.

(3) Every shareholder in the dissolved company to whom a preference share has been allotted under this section shall be entitled—

(*i*) to receive a fixed cumulative preferential dividend at the rate of five *per cent per annum* as from the 1st day of January, 1953, on the capital for the time being paid up or credited as having been fully paid up thereon without deduction of Indian income-tax paid by the company;

(*ii*) subject to the provisions of clause (*i*), to rank for dividend equally with the holders of preference shares in the Iron and Steel Company immediately before the appointed day, and in priority to all other shareholders in that company;

(*iii*) to be repaid, in the winding up of the Iron and Steel Company the amounts paid up or credited as having been fully paid up thereon, together with any arrears of dividends (whether earned or not), calculated to the date of repayment of capital, equally with the holders of preference shares in the Iron and Steel Company immediately before the appointed day, and in priority to all other shareholders in that company;

(*iv*) to exercise the same voting rights at general meetings of the Iron and Steel Company as are conferred on the holders of preference shares in that company immediately before the appointed day.

(4) The Iron and Steel Company shall cause a notice to be published in the *Gazette of India* and shall also send by post to every person whose name was entered immediately before the appointed day in the register of shareholders in the dissolved company, a notice giving particulars of the terms hereinbefore set out as to the allotment of new shares and the disposal in the prescribed manner of fractional shares and an allotment letter for the new shares which shall also contain a statement of the fractional shares (if any) to which a shareholder would be entitled if fractional shares are to be allotted.

(5) Every shareholder in the dissolved company whose name appears in the register of the dissolved company immediately before the appointed day shall be entitled, on presentation within the prescribed period of the allotment letter and the share certificate in respect of the shares held by him in the dissolved company, to receive in due course share certificates of the Iron and Steel Company in accordance with the provisions of this Ordinance and the rules made thereunder.

(6) Any rights specified in sub-section (5) shall, during the period beginning with the appointed day and ending with the day on which the Iron and Steel Company issues fresh share certificates to the shareholders of the dissolved company, be transferable in like manner as the shares in the Iron and Steel Company themselves are transferable, and the transferees of such rights shall be entitled, upon submission of the letter of allotment, the relative share certificate in the dissolved Company and the document of transfer, to share certificates in the same manner and to the same extent as the transferors would have been entitled.

8. Priority as between secured creditors of the dissolved company and secured creditors of the Iron and Steel Company.—Creditors of the dissolved company whose debts are secured by a mortgage, charge or lien on the property of the dissolved company or any part thereof shall, with reference to similar secured creditors of the Iron and Steel Company, have such priority in the repayment of the debts as may be determined by agreement between the Iron and Steel Company and the secured creditors of the dissolved company:

Provided that in the absence of any such agreement the matter shall be referred by the Iron and Steel Company to the determination of such person as may be appointed by the Central Government in this behalf, and the decision of such person shall be final and binding on the Iron and Steel Company and the secured creditors concerned.

9. Provisions with respect to taxation.—(1) The Iron and Steel Company shall be taxable in respect of the profits and gains of the business carried on by the dissolved company before the appointed day to the same extent as the dissolved company would have been taxable if this Ordinance had not been promulgated, and the Iron and Steel Company shall, in its assessment, be entitled to claim all such allowances under sub-section (2) of section 10 of the Indian Income-tax Act, 1922 (XI of 1922) as the dissolved company could have claimed in its assessment if this Ordinance had not been promulgated.

(2) For the purposes of any law relating to taxation on income, the original cost to the Iron and Steel Company of the buildings, machinery, plant or furniture of the dissolved company transferred to it by virtue of this Ordinance shall be deemed to be the written down value thereof, as reduced by the initial depreciation permitted by sub-section (2) of section 10 of the Indian Income-tax Act, 1922 (XI of 1922), which has been or could have been computed by the dissolved company on the appointed day if this Ordinance had not been promulgated.

10. Payment of interim dividends to shareholders in the dissolved company.—If the profits of the dissolved company warrant such a course, the directors of the dissolved company may, at any time before the appointed day, declare the following dividends as being payable—

(*a*) to the holders of preference shares immediately before the appointed day, a dividend at the rate of five *per cent per annum* on the amount paid up without deduction of Indian income-tax payable by the dissolved company for the period commencing on the 1st day of June, 1952, and ending with the 31st day of December, 1952;

(*b*) to the holders of ordinary shares whose names appear on the register of the company on the date of such payment, an *interim* dividend not exceeding two and a half *per cent* on the amount paid up or credited as having been fully paid up thereon without deduction of Indian income-tax payable by the dissolved company for the period commencing on the 1st day of January, 1952, and ending with the 31st day of December, 1952.

11. Provisions respecting existing officers and other servants of the dissolved company.—Every officer or other servant (including within that expression auditors but excluding therefrom directors, managing agents and London Committee Members) employed immediately before the appointed day in the dissolved company shall, as from the appointed day, become an officer or other servant, as the case may be, of the Iron and Steel Company and shall hold his office or service therein by the same tenure and upon the same terms and conditions and with the same rights and privileges as to pension or gratuity as he would have held the same under the dissolved company if this Ordinance had not been promulgated, and shall continue to do so unless and until he is duly removed from his employment in the Iron and Steel Company or until his terms and conditions of employment are duly altered by that Company.

12. Position of directors of the dissolved company.—Every director of the dissolved company holding office as such immediately before the appointed day shall become, as from the appointed day, a director of the Iron and Steel Company, in addition to the other directors of the Iron and Steel Company holding office as such before the appointed day, and shall, subject to the provisions of the articles of association of the Iron and Steel Company, hold his office and act in all respects as if he had been duly appointed under the said articles.

13. Dissolution of the Steel Corporation of Bengal, Limited.—As from the appointed day—

(*a*) the Steel Corporation of Bengal, Limited, shall be dissolved and thereafter no person shall make, assert or take any claims, demands or proceedings against the dissolved company or against a director or officer thereof in his capacity as such director or officer, except in so far as may be necessary, for enforcing the provisions of this Ordinance;

(*b*) the right of every shareholder to or in respect of any share in the dissolved company shall be extinguished, and thereafter no such shareholder shall make, assert or take any claims or demands or proceedings in respect of any such share except as provided in this Ordinance.

14. Power to make rules for facilitating amalgamation.—The Central Government may, by notification in the Official Gazette, make such incidental, consequential or supplementary provisions as in its opinion are necessary for fully and effectually carrying out the purposes of this Ordinance, and without prejudice to the generality of such power, provision may be made in such rules—

(*a*) for the allotting or appropriation by the Iron and Steel Company of any shares, debentures, policies or other like interests in that company which are to be allotted or appropriated under this Ordinance by that company to or from any person;

(*b*) for the disposal of shares in the dissolved company which do not represent one fully paid up share in the Iron and Steel Company under clause (*b*) of sub-section (*1*) of section 7, whether by the surrender to the Iron and

Steel Company of the fractional certificates relating thereto with other fractional certificates so as to represent in all one fully paid up share, or, at the option of the shareholder, by the surrender of the fractional certificates to the Iron and Steel Company for sale by the company on his account;

(*c*) for fixing the period within which any action required to be taken under this Ordinance may be taken;

(*d*) for the alteration, notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), of the memorandum or articles of association of the Iron and Steel Company for the purpose of increasing the capital of the company or the borrowing powers of the directors thereof or for the purpose of securing the representation of the Central Government on the Board of Directors of the company or for any other purpose;

(*e*) for requiring any person concerned with the keeping of the register of the holders of any shares, securities or investments now transferred to and vesting in the Iron and Steel Company to forthwith register the name of the Iron and Steel Company therein, and to issue to the Iron and Steel Company the appropriate documents of title relating to the shares, securities or investments transferred to and vesting in it.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV.

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. C. 985—C.O. 24-52-9, Bangalore, dated 17th November 1952.

Ordered that the accompanying Notification No. S.R.O. 1679, dated the 8th October 1952, issued by the Government of India, Ministry of Commerce and Industry, amending the Cotton Textiles (Control) Order, 1948, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 8th October 1952

S.R.O. 1679.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

1. In caluse 23 for sub-clause (2) excluding the Explanation, the following shall be substituted, namely:—

"(2) No manufacturers shall sell or deliver—

(*i*) any cloth or yarn, other than such clauses of specifications thereof as are specified in this behalf by the Textile Commissioner of which the ex-factory price has not been specified under clause 22;

(*ii*) any cloth unless he has previously sent to the Textile Commissioner a sample of such cloth of the dimensions of 6 inches by 6 inches together with true and accurate information in the forms prescribed for this purpose by the Textile Commissioner about the manufacturing particulars thereof and where the maximum ex-factory price has been specified, about the manner in which the same has been calculated."

2. In sub-clause (2) of clause 24 for the words, "Every sale of cloth or yarn by a dealer except to a consumer" the words and figures, "Every sale by a dealer except to a consumer, of cloth or yarn of which the maximum prices have been specified under clause 22" shall be substituted.

3. In sub-clase (3) of clause 30A, after the words, "packed for export" the words and figures, "or cloth of which the maximum prices have not been specified under clause 22" shall be added.

S. A. TECKCHANDANI,
Under Secretary to the
Government of India.

ELECTION COMMISSION, INDIA.

New Delhi.

NOTIFICATIONS.

Notification No. MY-A—52 (114), New Delhi, dated 9th November 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (42), dated the 6th May 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act, respectively :—

Shri Doddathippiah,
Doddasiddavvanahalli,
Chitaldrug Taluk,
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

Notification No. MY-A—52 (116), New Delhi, dated 13th November 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (10), dated the 26th April 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act, respectively :—

Shri M. Ramappa,
Advocate, Davangere,
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

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Notification No. MY-A—52 (117), New Delhi, dated 13th November 1952.

It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (14), dated the 24th April 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act, respectively:—

Shri A. G. Venkatappa,
Medical Practitioner,
Ramanagaram Town,
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

NOTIFICATION.

No. L.S. 4304—L.W. 19-52-13, Bangalore, dated 11th November 1952.

Whereas the Government of Mysore were of the opinion that an Industrial dispute existed between the Workers and Management of the Mysore Sugar Company Ltd., Mandya, in respect of certain points of dispute;

And whereas by Order No. L.S. 295—L.W. 19-52-2, dated the 19th April 1952 the said points of dispute were referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 5330 - L.W. 330-51-4, dated the 28th March 1952;

And whereas it has been brought to the notice of the Government of Mysore that certain amendments are necessary in the said points of dispute to clarify the points actually in dispute and whereas the said Government are of the opinion that a dispute exists between the Workers and Management of the Mysore Sugar Company Ltd., Mandya, in respect of the points of dispute as hereinafter specified;

Now, therefore, in exercise of the powers conferred by Clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), read with Section 21 of the General Clauses Act, 1897 (Central Act X of 1897) the Government of Mysore are pleased to make the following further amendments in the

points of dispute specified in their Order No. L.S. 295—L.W. 19-52-2, dated the 19th April 1952, namely :—

(1) For Item No. 3, the following item shall be substituted, namely :—

"3. Taking steps to construct more quarters for the employees; the Company to bear fifty per cent of the rent that is being paid by such of the employees as have not been furnished with Company quarters; and a Standing Committee to be appointed to deal with and decide the allotment of Company quarters";

(2) For Item No. 4, the following item shall be substituted, namely :—

"4. Revising the compulsory attendance required during shut down period as well as during working period for the payment of full Dearness Allowance. Abolishing the lower rate of Dearness Allowance of Rs. 18 and retaining the higher rate of Dearness Allowance of Rs. 21; and making good the difference of Rs. 3 between the two rates to such of the employees as have been given the lower rate retrospectively from 1st March 1949";

(3) For Item No. 5, the following item shall be substituted, namely :—

"5. Payment of bonus and increment accrued after the strike of 1948-49 and also for the year 1949-50 to those who have not been paid yet";

(4) For Item No. 18, the following item shall be substituted, namely :—

"18. Constituting a Works Committee; and disciplinary action to be taken by the Company only after notifying the Association";

(5) For Item No. 20, the following item shall be substituted, namely :—

"20. Payment of three months' bonus for the year ending June 1951 to all the employees of the Company without distinction";

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 1852—Legis. 6-52-65, dated Bangalore, the 17th November 1952.

Ordered that Notification No. S.R.O. 1859, dated the 31st October 1952, of the Ministry of Labour fixing the percentage of contributions payable as administrative charges under the Employees' Provident Funds Scheme, 1952 published in the *Gazette of India*, Part II, Section 3, dated the 8th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, 31*st October*, 1952.

S.R.O. 1859.—In pursuance of Paragraph 39 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby fixes three per cent of the total employer's and employee's contributions as the administrative charge payable under sub-paragraph (1) of Paragraph 38 of the said Scheme.

SADASHIVA PRASAD,
Deputy Secretary.

[No. PF. 523 (1).]

695

NOTIFICATION.

No. L.D. 1353—Legis. 6-52-66, dated Bangalore, the 17th November 1952.

Ordered that Notification No. S.R.O. 1860, dated the 31st October 1952 of the Ministry of Labour appointing the 1st day of November 1952 as the date on which certain paragraphs of Chapter V and VI and Chapter VII, VIII and IX would come into force published in the *Gazette of India*, Part II, Section 3, dated the 18th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 31st October, 1952.

S.R.O. 1860.—In exercise of the powers conferred by sub-paragraph (2) of paragraph 1 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints the 1st day of November 1952, as the date on which Chapter V, paragraphs 34, 35, sub-paragraphs (2), (3), (4) and (5) of paragraph 36, paragraphs 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, in Chapter VI, and Chapters VII, VIII and IX of the said Scheme shall come into force.

SADASHIVA PRASAD,

Deputy Secretary to the
Government of India.

[No. PF. 509(12).]

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NOTIFICATION.

No. L.D. 1354—Legis. 6-52-67, dated Bangalore, the 17th November 1952.

Ordered that Notification No. AL-138—EMG (18), dated the 24th October 1952 of the Ministry of Labour fixing the Emigrant Labour Cess for entry into Assam, be published in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 24th October, 1952.

AL-138—EMG (18).—In exercise of the powers conferred by sub-section (3) of section 5 of the Tea Districts Emigrant Labour Act, 1932 (XXII of 1932), the Central Government hereby fixes rupees three as the rate of Emigrant Labour Cess to be levied in respect of the entry into Assam of each assisted emigrant for the year commencing on the 1st October 1952 and ending on the 30th September 1953.

S. NEELAKANTAM,
Deputy Secy.

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NOTIFICATION.

No. L.D. 1355—Legis. 6-52-68, dated Bangalore, the 17th November 1952.

Ordered that Notification No. S.R.O. 1862, dated the 3rd November 1952, from the Ministry of Labour appointing Sri N. M. Patnaik, Deputy Secretary to the Government of India, as the Commissioner for the Employees' Provident Fund, published in the *Gazette of India*, Part II, Section 3, dated the 8th November 1952, be re-published in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 3rd November 1952.

S.R.O. 1862.—In pursuance of the provisions of sub-paragraph (1) of paragraph 19 of the Employees' Provident Funds Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri N. M. Patnaik, I.A.S., Deputy Secretary to the Government of India, Ministry of Labour, as the Commissioner for the Employees' Provident Fund, with effect from the 1st November 1952, for the territories to which the said Act extends, *vice* Shri Sadashiva Prasad, I.A.S., Deputy Secretary to the Government of India, Ministry of Labour.

V. K. R. MENON, Secy.

[No. PF. 516(44).]

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NOTIFICATION.

No L.S. 4128—L.W. 268-52-1, Bangalore dated, 17th November 1952.

Whereas the Government of Mysore are of opinion that an Industrial dispute exists between the Workers and Management of the Mysore Spun Silk Mills Ltd., Channapatna, in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (*c*) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated 28th June 1952.

POINTS OF DISPUTE.

(1) Providing work to employees according to seniority and retrenching only junior employees instead of seniors.

(2) Re-employment of retrenched employees according to seniority, when work in any section is re-started.

(3) Payment of half the wages and half of Dearness allowance for the period of unemployment of workers.

(4) Payment of compensation to workers discharged or retrenched at one month's pay *plus* Dearness allowance for every year of service put in by the worker, subject to *a minimum* of six months' pay and Dearness allowance.

(5) Grant of one month's leave to the employee with pay *plus* Dearness allowance for every year of service put in, (on addition to the leave provided for in the Factory Act).

(6) Grant of 15 days' sick leave with pay, on production of medical certificate.

(7) Re-starting of such of the sections, wherein work has been suspended immediately and all the retrenched employees to be taken back to duty, treating their absence as leave without pay.

(8) Institution of a gratuity scheme for grant of one month's gratuity for every year of service at the time of retirement, retrenchment or resignation of an employee.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 4470—L.W. 205-52-6, Bangalore, dated the 19th November 1952.

Whereas by Order No. L.S. 3252—L.W. 205-52-2, dated the 9th September 1952, an Industrial dispute between the Workers and Management of the Kolar Brick-Making Company, Marikuppam, Kolar Gold Fields, in respect of the points specified in the said order was referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated the 28th June 1952;

And whereas two of the points specified in the said order, namely—those relating to the bonus for the year 1951 and the payment of wages for the strike and lock-out period are points of an apprehended dispute and whereas it is necessary to amend the order dated the 9th September 1952 to clarify this matter;

Now, therefore, in exercise of the powers conferred by Clause (*c*) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (Central Act XIV of 1947) read with Section 21 of the General Clauses Act, 1897 (Central Act X of 1897), the Government of Mysore are pleased to direct that the following amendment shall be made in their Order No. L.S. 3252—L.W. 205-52-2, dated the 9th September 1952, namely:—

In paragraph (1) of the said Order, after the words "Industrial dispute exists", the words—"or is apprehended" shall be inserted.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

NOTIFICATION.

No. L.D. 1375—Legis. 6-52-72, Bangalore, dated 20th November 1952.

Ordered that Notification No. S.R.O. 1861, dated the 31st October 1952 of the Ministry of Labour, constituting a Central Board of Trustees under the Employees' Provident Funds Scheme, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 8th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 31st Otober 1952.

S.R.O. 1861.—In pursuance of paragraph 3 of the Employees' Provident Funds Scheme, 1952, published with the notification of the Government of India in the Ministry of Labour, No. P.F. 501 (5), dated the 2nd September, 1952, the Central Government hereby constitutes the Central Board of Trustees consisting of the following members, namely :—

1. Shri V. K. R. Menon, I.C.S. Secretary to the Government of India, Ministry of Labour, New Delhi—*Chairman*.	Nominated by the Central Government.
2. Shri N. S. Mankikar, Chief Adviser of Factories, Ministry of Labour, New Delhi.	
3. Shri B. B. Saksena, Deputy Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi.	
4. Shri N. V. Venkataraman, Under Secretary to the Government of India, Ministry of Finance (I. and C. Division), New Delhi.	
5. Shri K. L. Panjabi, I.C.S., Secretary to the Government of Bombay, Development Department, Secretariat Annexe, Fort, Bombay—1.	Nominees of State Governments, specified by the Central Government.
6. Shri K. R. Das Sarkar, Deputy Secretary to the Government of West Bengal, Labour Department, Calcutta.	
7. Shri C. G. Reddi, I.A.S., Labour Commissioner, Government of Madras. Development Department, Fort St. George, Madras.	
8. Shri A. D. Pande, I.A.S., Secretary to the Government of Uttar Pradesh, Labour (B) Department, Lucknow.	

9. Shri G. D. Semani, Chairman, The Millowners' Association, Elphinstone Building, Churchagate Street, Bombay—1. 10. Shri J. H. Patel, Managing Director, The Associated Cement Companies Ltd., 1, Queens Road, Bombay—1. 11. Shri A. Rajagopalan, Deputy Agent, The Tata Iron and Steel Company Ltd., 23-B, Netaji Subhas Road, Calcutta—1. 12. Shri B. K. Rohatgi, 45, Armenian Street, Calcutta. 13. Shri M. L. Bagla, Swadeshi Cotton Mills Co. Ltd., Kanpur. 14. Shri Shital Prasad Jain, 9, Dalhousie Square, East, Calcutta.	Six Employers' representatives nominated by the Central Government in consultation with the representatives of organisations of employers.
15. Shri Michael John, President, Tata Workers' Union, 17, K Road, Jamshedpur. 16. Shri G. D. Ambekar, General Secretary, Rashtriya Mill Mazdoor Sangh, Mazdoor Manzil, 25, Government Gate Road, Parel, Bombay. 17. Shri Kalipad Mukerji, M.L.A., 59-B, Chowranghee Road. (Ground Floor), Calcutta. 18. Shri Rajaram Shastri, C/o Socialist Party, Pandariba, Lucknow. 19. Shri B. S. Mahadeo Singh, C/o Hyderabad State Mazdoor Sabha, Old Jail, Market Street, Secunderabad, (Deccan). 20. Shri Tushar Chatterjee, M.P., P.O., Barosibtala, Chinsurah, West Bengal.	Six employees' representatives nominated by the Central Government in consultation with the representatives of organisations of employees.

[No. P.F. 516 (3).]

SADASHIVA PRASAD, Dy. Secy.

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NOTIFICATION.

No. L.D. 1376—Legis. 5-52-89, dated Bangalore, 20th November 1952.

Ordered that Notification No. S.R.O. 1858, dated the 4th November 1952 of the Ministry of Labour amending the Employees' Provident Funds Scheme, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 8th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, dated the 4th November 1952.

S.R.O. 1858.—In exercise of the powers conferred by section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby directs that the following amendments shall be made in the Employees' Provident Funds Scheme, 1952, namely :—

In the said scheme, after paragraph 78, the following paragraph shall be inserted, namely :—

"79. *Special provisions relating to factories in respect of which applications for exemption are received.*—Notwithstanding anything contained in this Scheme, the Commission may, in relation to a factory in respect of which an application for exemption under Section 17 of the Act has been received on or before the 31st day of October 1952, relax pending the disposal of the application the provisions of this Scheme in such manner as he may direct."

[No. PF-509 (34).]

N. M. PATNAIK, Dy. Secy.

NOTIFICATION.

No. L.D. 1377—Legis. 5-52-88, dated Bangalore, the 20th November 1952.

Ordered that Notification No. S.R.O. 1844, dated 29th October 1952 of the Ministry of Rehabilitation, amending the Evacuee Interest (Separation) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 8th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 29th October, 1952.

S.R.O. 1844.—In exercise of the powers conferred by section 23 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby directs that the following amendment shall be made in the Evacuee Interest (Separation) Rules, 1951, namely :—

In the said Rules,—

1. To sub-rule (1) of rule 7, the following Explanation shall be added, namely:—

"*Explanation.*—An evacuee who shall be represented at the proceeding by the Custodian shall not be deemed to be a respondent to the proceeding."

2. After rule 11, the following rules shall be inserted, namely :—

"11A. *Valuation of composite property.*—(1) The inquiry to be held by a competent officer under sub-section (1) of section 8 of the Act shall, in so far as it relates to valuation of property, be an independent inquiry and the competent officer shall not ordinarily, accept the money value of the composite property or any interest therein agreed upon by the Custodian and the claimant.

(2) For the purpose of holding an inquiry under sub-section (1) of section 8 of the Act, the competent officer may—

(a) take the evidence of any valuer of property or any other person who possesses expert knowledge of valuation of property in the locality ;

(b) personally inspect the composite property.

(3) In every order made under section 8 of the Act, the competent officer shall state his reasons therefor and shall, as far as practicable, clearly set out the documentary and other evidence on which he relies for the purpose of valuation of the composite property or any interest therein.

11B. *Mode of separation of interests of evacuees.*—A competent officer, having regard to the provisions of the proviso to section 10 of the Act, shall, for the purpose of separating he evacuee interest from other interests in a composite property, adopt any of the following measures in the order of preference set out below :—

(a) in the case of any claim of a co-sharer or a partner—

(i) partition the property as provided in sub-clause (iv) of clause (a) of section 10 of the Act if such partition can reasonably and conveniently be made;

(ii) where such partition cannot reasonably and conveniently be made and if both the Custodian and the claimant agree, exercise the power conferred upon him under sub-clause (i) or sub-clause (ii) of clause (a) of section 10 of the Act;

(iii) where neither clause (i) nor clause (ii) applies, sell the property and distribute the sale proceeds in the manner provided in sub-clause (iii) of clause (a) of section 10 of the Act.

(b) in the case of any claim of a mortgagor or a mortgagee—

(i) where both the Custodian and the claimant agree, exercise the powers conferred upon him under sub-clause (i) or sub-clause (iii) of clause (b) of section 10 of the Act;

(ii) where there is no such agreement sell the mortgaged property for satisfaction of the mortgage debt and distribute the sale proceeds thereof.

11C. *Deposit of purchase money.*—Where with the consent of the Custodian a claimant purchases the evacuee interest in a composite property, the claimant shall deposit the purchase money within 15 days or such longer period as the competent officer deems fit and the competent officer shall not make an order under sub-clause (ii) of clause (a) of section 10 of the Act unless the purchase money has been deposited within the said period.

11D. *Sale of composite property.*—Where a competent officer proposes to sell the entire composite property the following procedure shall be adopted :—

(*a*) the composite property shall be put to public auction through an officer appointed for the purpose by the State Government or through an auctioneer approved by the State Government;

(*b*) every such sale shall be subject to a reserve price the amount of which shall be fixed by the competent officer which shall not be less than 90 per cent of the value determined by him ;

(*c*) where the highest bid received exceeds the reserve price, such highest bid shall, unless the competent officer otherwise directs, be accepted ;

(*d*) where the highest bid received falls short of the reserve price, such bid shall not be accepted and steps shall be taken to re-auction the property and the provisions hereinbefore contained relating to a public auction of a composite property shall apply to the re-auction of the property accordingly.

Provided that at such second auction the competent officer shall himself be present if in his opinion the value of the property is substantial or if he otherwise deems it necessary, and the highest bid received at such auction shall be accepted notwithstanding that such bid is less than the reserve price.

11E. *Sale Certificate.*—(1) Where any composite property or interest therein is sold in pursuance of the foregoing provisions of these rules, the competent officer shall grant to the purchaser a sale certificate in Form 'I'.

(2) A certified copy of the sale certificate shall be sent by the competent officer to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate.

11F. *Form and Presentation of Appeal.*—(1) A memorandum of appeal made under section 14 of the Act shall be accompanied by a copy of the Order appealed from and shall set forth concisely and under distinct heads the grounds of objection, to such order without any argument or narrative.

(2) Every such memorandum of appeal shall be presented either personally or by an authorised agent to the appellate officer having jurisdiction or may be sent to him by registered post acknowledgment due.

(3) There shall be filed along with the memorandum of appeal or with the permission of the appellate officer at a later stage as many copies of the memorandum of appeal and as many envolopes and notices in Form 'J' duly addressed to the respondents, as there are respondents.

11G. *Register of Appeal.*—Where a memorandum of appeal is presented to, or received by an appellate officer, he shall endorse thereon the date of presentation or receipt and shall register it in a register to be kept for the purpose in Form 'K'.

11H. *Record of proceedings.*—For the purpose of hearing any appeal, the appellate officer may send for the record of the case if he so thinks fit."

3. After rule 15, the following rule shall be inserted, namely :—

"16. *Quarterly returns by appellate officers.*—Every appellate officer shall, at the end of each quarter submit a statement if Form 'L' to the State Government."

4. After Form 'H', the following forms shall be inserted, namely :—

FORM 'I'

Certificate of Sale.

(*See* rule 11E.)

This is to certify that has been declared the purchaser at a sale by public auction on the day of 19 of held in pursuance of the powers conferred upon me under section 10 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951) and the rules made thereunder.

Given under my hand and the seal of my office, this day of 19 .

(Signature)
(Competent Officer).

FORM 'J' 696

Notice of appeal.

[*See* rule 11F (3)]

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL.

(Title)

APPEAL FROM THE DECISION OF.....DATED THE.....DAY OF.....19 .

To -

Respondent.

TAKE notice that an appeal from the decision of has been presented by and registered in this office, and that the day of 19 has been fixed by me for the hearing of this appeal.

If no appearance is made by you either personally or through an authorised agent on the aforesaid date, the appeal will be heard and decided in your absence.

Given under my hand and the seal of my office this day of 19 .

(Signature)
(Appellate Officer)

FORM 'K'

Register of Appeals.

(*See* Rule 11G)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Serial No.	Date of presentation of appeal	Name & description of appellant	Name & description of respondents	Value of composite property as ascertained by competent officer	Value of appellant's share determined by competent officer	Total value of evacuee interest in the property as determined by competent officer	Total value of non-evacuee interest in the composite property as determined by competent officer	Manner in which evacuee and non-evacuee interest have been separated	Date of final order of competent officer	Number of hearings and period spent in disposal of appeals	Purport & date of the order of appellate officer	Date of despatch in record to record keeper with the date of consignment in the record room	Number in record keeper's register	Remarks

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FORM 'L'

Quarterly Statement showing the business before the Appellate Officer.....for the quarter ending.....

(*See* rule 16)

1			2				3		5	6
Number of appeals before the Appellate Officer			Number of appeals disposed of							
(a	(b)	(c)	(a)	(b)	(c)	(d)				
Pending at the beginning of the quarter	Instituted during the quarter	Total	Appeals dismissed	Appeals rejected	Appeals decided	Total number of appeals disposed of	Number of apppeals pending at the close of the quarter	Number of appeals pending for more than six months	Number of appeals pending for more than one year	Remarks

[No. 32 (13)/51-Prop.]

MANMOHAN KISHAN, Asst. Secy.

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NOTIFICATION.

No. L.D. 1378—Legis. 5-52-87, dated Bangalore, 20th November 1952.

Ordered that Notification No. S.R.O. 1803, dated the 25th October 1952 of the Ministry of Natural Resources and Scientific Research, amending the Mineral Concession Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 1st November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 25th October, 1952.

S.R.O. 1803.—In exercise of the powers conferred by Section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following further amendments shall be made in the Mineral Concession Rules, 1949, namely :—

In Schedule IV to the said Rules after the word 'Gypsum;' the words apatite and phosphatic ores, sulphur and its ores' and after the word 'copper' the words 'and nickel' shall be inserted.

[No. M-II-159(18)],
T. GONSALVES, Dy. Secy.

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NOTIFICATION.

No. L.D. 1379—Legis. 5-52-86, dated Bangalore, 20th November 1952.

Ordered that Notification No. S.R.O. 1800, dated the 24th October 1952 of the Ministry of Communications amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 1st November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS.)

New Delhi, the 24th October, 1952.

S.R.O. 1800.—In exercise of the powers conferred by Section 10 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely:—

For the proviso to rule 50 of the said Rules, the following proviso shall be substituted, namely:—

"Provided that the rules relating to inland registered newspapers shall be deemed to apply in the case of newspapers sent to any foreign country including Aden, Ceylon, Nepal, Pakistan and the Portuguese Settlements in India".

[No. R. 1-8/52.]

M. V. VENKATACHALAM,
Dy. Secy.

NOTIFICATION.

No. L.D. 1380—Legis. 6-52-69, dated Bangalore, 20th November 1952.

Ordered that Notification No. S.R.O. 1798, dated the 1st November 1952 of the Ministry of Food and Agriculture, delegating powers under the Vegetable Oil Products Control Order, 1947, published in the *Gazette of India*, Part II, Section 3, dated the 1st November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

New Delhi, the 1st November, 1952.

S.R.O. 1798.—In exercise of the powers conferred by clause 2(a) of the Vegetable Oil Products Control Order, 1947, as amended by the Government of India in the Ministry of Food and Agriculture Notification No. S.R.O. 2040, dated the 2nd December, 1951, I hereby authorise the Officers specified in Col. 2 of the Schedule hereto annexed in respect of their respective jurisdiction in the State mentioned in Col. 1, to exercise within their jurisdiction and subject to such directions as may be issued by me from time to time in this behalf, the powers of the Vegetable Oil Products Controller for India under clause 13 of the said Order.

THE SCHEDULE.

State	*Designation of authority.*
The whole of India except the State of Jammu and Kashmir.	1. Inspectors of the Office of the Vegetable Oil Products Controller for India.
Bilaspur (Simla Hills) ...	1. Civil Supply Officer and Vegetable Oil Products Controller for Bilaspur.
Himachal Pradesh ...	1. District Co-operative and Supply Officers of Mandi, Chamba, Sirmur and Mahasu Districts.
Coorg ...	1. District Magistrate of Coorg. 2. Police Officers not below the rank of Sub-Inspector.
Bihar ...	1. All Magistrates. 2. District Supply Officers. 3. Assistant District Supply Officers. 4. District Supply Inspectors. 5. Supply Inspectors. 6. Assistant Supply Inspectors. 7. Officers of the Anti-Smuggling Force, Bihar (not below the rank of Sub-Inspector of Police).

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State	Designation of authority
Mysore ...	1. District Health Officers.
	2. Health Officers of Bangalore, Mysore and Davangere.
	3. Medical Officers of Health, Secondary Centres.
	4. Assistant Medical Officers of Health, Primary Centres.
	5. Health Inspectors, Primary Centres.
Vindhya Pradesh ...	1. Director of Food and Civil Supplies, Vindhya Pradesh, Rewa.
	2. Deputy Commissioners.
	3. District Supply Officers.
	4. Bazar Inspectors.
	5. District Medical Officers Incharge Health.
	6. Secretaries and Chairmen of Municipal Boards.
	7. Tehsildars.

[No. 2-VP (2)/52.]

P. A. GOPALAKRISHNAN,

Vegetable Oil Products Controller for India.

NOTIFICATION.

No. L.D. 1881—Legis. 6-52-70, dated Bangalore, 20th November 1952.

Ordered that Notification No. S.R.O. 1799, dated the 22nd October 1952 of the Ministry of Information and Broadcasting, directing that the Film entitled "Borderline" be deemed to have been granted an 'A' certificate published in the *Gazette of India*, Part II, Section 3, dated the 1st November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 22nd October, 1952.

S.R.O. 1799.—In exercise of the powers conferred by Section 6 of the Cinematograph Act, 1952 (Act XXXVII of 1952) the Central Government hereby directs that the film entitled 'Borderline' in respect of which 'U' certificate No. 24707, dated the 29th April, 1950 was granted by the former West Bengal Board of Film Censors to M/s Universal Pictures, India, Ltd., shall be deemed to be a film in respect of which an 'A' certificate has been granted.

[No. 20/8/51-F.]

C. B. RAO, Joint Secy.

NOTIFICATION.

No. L.D. 1382—Legis. 6-52-71, dated 20th November 1952.

Ordered that Notification No. S.R.O. 1804, dated the 22nd October 1952 of the Ministry of Labour, entrusting the Government of Mysore with their consent the functions under sub-section (1) of Section 20 of the Minimum Wages Act, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 1st November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 22nd October, 1952.

S.R.O. 1804.—In exercise of the powers conferred by clause (1) of Article 258 of the Constitution, the President hereby entrusts to the Governments of Mysore and Madhya Bharat, with their consent, the functions of the Central Government under sub-section (1) of Section 20 of the Minimum Wages Act, 1948 (XI of 1948).

[No. LWI-24(61).]

SADASHIVA PRASAD, Dy. Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV.

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 1886—Legis. 54-52-1, Bangalore, Dated 24th Nov. 1952.

Ordered that the Mysore Appropriation (No. 3) Act, 1952 which received the assent of the Rajpramukh, on the 6th day of November 1952, be published as Mysore Act No. XXX of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XXX OF 1952.

THE MYSORE APPROPRIATION (No. 3) Act, 1952.

(Received the assent of the Rajpramukh on the Sixth Day of Nov. 1952).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State, for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three; Preamble.

It is hereby enacted as follows :—

1. This Act may be called the Mysore Appropriation (No. 3) Act, 1952. Short title.

2. From and out of the Consolidated Fund of the State, there may be paid and applied further sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred and eighty-six lakhs, six thousand and eight hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three, in respect of the services specified in column 2 of the Schedule. Issue of Rupees 1,86,06,800 out of the Consolidated Fund of the State for the year 1952-53.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-three. Appropriation.

THE SCHEDULE.

(See *sections 2 and 3.*)

1	2		3		
No. of Vote		Services and Purposes	Sums not exceeding: Voted by the Legislative Assembly	Sums not exceeding: Charged on the Consolidated Fund	Total
		A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7	Land Revenue	2,88,000	...	2,88,000
3	9	Stamps	70,000	...	70,000
6	12	Charges on account of Motor Vehicles Act ...	7,500	...	7,500
7	13	Other Taxes and Duties	19,200	...	19,200
8	18	Other Revenue Expenditure Financed from Ordinary Revenue.	5,00,000	...	5,00,000
	22	Interest on Debt and other obligations... ...	...	37,40,000	37,40,000
11	25	General Administration (A. and D.) ...	42,400	...	42,400
12	25	Do (B.) Parliament and the State Legislature.	56,600	19,200	75,800
16	29	Police	17,900	...	17,900
17	36	Scientific Departments	9,000	...	9,000
19	38	Medical	30,000	...	30,000
	39	Public Health	60,000	...	60,000
21	40	Agriculture (except Horticulture)	3,00,000	...	3,00,000
26	43	Industries and Supplies (except Sericulture) ...	1,97,200	...	1,97,200
29	50	Civil Works	49,400	...	49,400
30	54	Famine	20,00,000	...	20,00,000
32	55	Superannuation Allowances and Pensions ...	17,500	...	17,500
33	56	Stationery and Printing	12,000	...	12,000
34	57	Miscellaneous	1,18,800	...	1,18,800
37	XVII.	I.N.E. and D. Works for which capital accounts are kept—Working Expenses.	1,66,000	...	1,66,000
38	XLI.	Receipts from Electricity Schemes—Working Expenses.	10,00,000	...	10,00,000
		Total Expenditure met from Revenue ...	49,61,500	37,59,200	87,20,700
		B. CAPITAL OUTLAY NOT MET FROM REVENUE.			
40	68	Construction of I.N.E. and D. Works outside the Revenue Account.	2,98,800	...	2,98,800
42	81-A.	Capital Outlay on Electricity Schemes ...	30,00,000	...	30,00,000
		Total Capital Outlay not met from Revenue ...	32,98,800	...	32,98,800
		C. DISBURSEMENT OF ADVANCES (WITH INTEREST) AND LOANS.			
		ADVANCES AND LOANS.			
45	R.	Loans and Advances by the State Government ...	58,00,000	...	58,00,000
	N.	Public Debt Discharged	...	7,87,300	7,87,300
		Grand Total ...	1,40,60,300	45,46,500	1,86,06,800

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and

Secretary to Govt., Law Dept.

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NOTIFICATION.

No. L.D. 1387—Legis. 55-52.1, Bangalore, dated 24th November 1952.

Ordered that the Mysore Cinemas (Regulation) Act, 1952 which received the assent of the Rajpramukh on the 6th day of November 1952, be published as Mysore Act No. XXXI of 1952 in the *Mysore Gazette*, for general information.

MYSORE ACT NO. XXXI OF 1952.

THE MYSORE CINEMAS (REGULATION) ACT, 1952.

(Received the assent of the Rajpramukh on the Sixth Day of November 1952).

An Act to make provision for regulating exhibitions by means of cinematographs.

WHEREAS it is expedient to consolidate and amend the law regulating exhibitions by means of cinematographs; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Cinemas (Regulation) Act, 1952. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once; the remaining provisions of this Act shall come into force on such date as the Government may, by notification in the *Mysore Gazette*, appoint.

2. In this Act, unless the context otherwise requires— Definitions.

(*a*) 'cinematograph' includes any apparatus for the representation of moving pictures or series of pictures;

(*b*) 'Government' means the State Government;

(*c*) 'place' includes a house, building, tent and any description of transport, whether by water, land or air;

(*d*) 'prescribed' means prescribed by rules made under this Act.

3. Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence. Cinematograph exhibitions to be licensed.

Licensing authority.

4. The authority having power to grant licences under this Act (hereinafter referred to as the Licensing authority) shall be the District Magistrate.

Restrictions on powers of Licensing authority.

5. (1) The Licensing authority shall not grant a licence under this Act, unless it is satisfied that—

(*a*) the rules made under this Act have been substantially complied with, and

(*b*) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the Government, the Licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) Any person aggrieved by the decision of a Licensing authority refusing to grant a licence under this Act may, within such time as may be prescribed, appeal to the Government or to such officer as the Government may specify in this behalf and the Government or the officer as the case may be, may make such order in the case as it or he thinks fit.

(4) The Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

Power of Government or local authority to suspend exhibition of films in certain cases.

6. (1) The Government in respect of the whole of the State or any part thereof, and the District Magistrate in respect of the district within his jurisdiction, may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension no holder of the licence shall exhibit such film in the State, part or district, as the case may be.

(2) Where an order under sub-section (1) has been issued by a District Magistrate, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the person making the same to the Government, and the Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for such period not exceeding two months from the date thereof as may be specified in the order, but the Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

Penalties for contravention of this Act.

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues ;

Provided that a notice in writing has been given to the owner or to the person in charge of a cinematograph or to the occupier as the case may be and he has not complied with the provisions of the Act or of the Rules made thereunder or of the conditions or restrictions aforesaid referred to in the said notice within a period of fifteen days from the date of receipt of the said notice.

Power to revoke licence.

8. Where the holder of a licence has been convicted of an offence under section 7, the licence may be revoked by the Licensing authority.

An appeal shall lie to the Government against the said order of revocation within thirty days from the date thereof.

Power to make rules.

9. (1) The Government may, by notification in the *Mysore Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act;

(*b*) provide for the regulation of cinematograph exhibitions for securing the public safety;

(*c*) prescribe the time within which and the conditions subject to which an appeal under sub-section (3) of section 5, or section 8 may be preferred;

(*d*) prescribe the fees payable for the grant or renewal of licences, for the grant of duplicate licences and for inspection of the licensed premises, or any part thereof.

Power to exempt.

10. The Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

Repeal.

11. The Cinematograph Act, 1923 (Mysore Act XII of 1923), is hereby repealed.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 1390– Legis. 56-52-1, Bangalore, dated 24th November 1952.

Ordered that the Mysore Maternity Benefit (Amendment) Act, 1952, which received the assent of the President on the 7th day of November 1952, be published as Mysore Act No. XXXII of 1952, in the *Mysore Gazette*, for general information.

MYSORE ACT NO. XXXII OF 1952.

THE MYSORE MATERNITY BENEFIT (AMENDMENT) ACT, 1952.

(Received the assent of the President on the Seventh Day of Nov. 1952).

An Act further to amend the Mysore Maternity Benefit Act, 1937.

WHEREAS it is expedient further to amend the Mysore Maternity Benefit Act, 1937 (Mysore Act III of 1937), for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Maternity Benefit (Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 5 of the Mysore Maternity Benefit Act, 1937, for the words "whichever is less", the words "whichever is more" shall be substituted. Amendment of section 5 of Mysore Act III of 1937.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION. 74

No. L. D. 1391—Legis. 57-52-1, Bangalore, dated 24th November 1952.

Ordered that the Mysore Silkworm Seed (Control of Distribution) Act, 1952, which received the assent of the President on the 12th day of November 1952, be published as Mysore Act No. XXXIII of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XXXIII OF 1952.

THE MYSORE SILKWORM SEED (CONTROL OF DISTRIBUTION) ACT, 1952.

(Received the assent of the President on the Twelfth Day of November 1952.)

An Act to provide for the regulation of the production, supply and distribution of silkworm seed in Mysore.

WHEREAS it is expedient to provide for the regulation of the production, supply and distribution of silkworm seed in the State of Mysore; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Silkworm Seed (Control of Distribution) Act, 1952. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force in such area of the State and on such date as the Government may, by notification, specify.

2. In this Act unless there is anything repugnant in the subject or context,— Definitions.

(1) "Government" means the State Government;

(2) "Licensing Authority" means the Director of Sericulture in Mysore and includes any other officer authorised by the Government in this behalf;

(3) "licensed buyer" means a person in charge of a Charka establishment, or a filature establishment licensed under this Act to purchase silkworm cocoons for reeling silk;

Explanation.—In this clause "Charka establishment" means an establishment where silk reeled from silkworm cocoons with the help of any instrument not worked by power, and "filature establishment" means an establishment where silk is reeled from silkworm cocoons

with the help of any instrument worked by power, and "power" means any form of energy which is mechanically transmitted and is not generated by human or animal agency and includes electrical energy;

(4) "notification" means a notification in the *Mysore Gazette*;

(5) "prescribed" means prescribed by rules made under this Act;

(6) "rearer" means a person engaged in rearing silkworms for the production of silkworm cocoons, whether for reproduction or reeling;

Explanation.—In this clause "rearing" includes all operations from the incubation of silkworm eggs and brushing of silkworms to the harvesting of cocoons;

(7) "silkworm" includes mulberry silkworm, tussar silkworm and eri silkworm;

(8) "silkworm seed" means and includes silkworm cocoons used for preparing seed, moths, eggs and any silkworm of whatever description to be used for purposes of reproduction and rearing.

Regulation of manufacture, etc., of silkworm seed.

3. No person shall manufacture, store, transport, sell or otherwise distribute or dispose of silkworm seed except under and in accordance with the terms of a license granted under this Act.

Regulation of rearing.

4. No rearer shall rear silkworms from silkworm seed other than silkworm seed obtained from a person who holds a license under this Act.

Regulation of disposal of silkworm cocoons.

5. No rearer shall dispose of or agree to dispose of or in pursuance of an agreement entered into, make delivery of any silkworm cocoons for reeling except to a licensed buyer.

Regulation of sale or purchase of silkworm cocoons for reeling.

6. No rearer shall sell or agree to sell, and no licensed buyer shall purchase or agree to purchase silkworm cocoons for reeling, except in cocoon markets or cocoon market yards established under this Act, and at prices other than those fixed from time to time by notification by the Director of Sericulture in Mysore.

Regulation of reeling.

7. No person shall carry on the business of reeling silk from silkworm cocoons unless he holds a license under this Act.

8. No person shall be in possession of silkworm seed unless— **Regulation of possession of silkworm seed.**

(*a*) he is a rearer; or

(*b*) he holds a license granted under this Act; or

(*c*) he is authorised in writing by the prescribed officer to possess silkworm seed.

9. Every person who desires to obtain a license under this Act shall make an application to the Licensing Authority in such form as may be prescribed. **Application for license.**

10. (1) The Government may, from time to time, by notification,— **Regulation distribution of silkworm seed.**

(*a*) specify the places at which cocoon markets or cocoon market yards shall be located;

(*b*) appoint a Market Officer, and constitute a committee consisting of one representative each of rearers, licensed buyers in charge of charka establishments and filature establishments with the Market Officer as Chairman, for the grading of silkworm cocoons in the cocoon market and regulate generally the procedure for the conduct of business in the cocoon market;

(*c*) fix the basic price at which standard quality cocoons for reeling may be sold or bought;

(*d*) specify a sliding scale of prices for variations from the standard quality calculated on the basic price;

(*e*) specify the sericultural areas in the State to be served by each cocoon market where silkworm cocoon produced within such areas shall be sold;

(*f*) assign zones and markets in which any licensed buyer may carry on his business.

(2) After taking into consideration the quantity of silkworm cocoon available in the State and the scale of operations and consumption of silkworm cocoon by each licensed buyer, the Government may, from time to time, by order, determine quotas of silkworm cocoon to be sold to licensed buyers.

Power to require information and powers of entry, inspection, seizure, etc.

11. (1) The Director of Sericulture in Mysore or any officer authorised in this behalf by the Government by notification, may, with a view to securing compliance with this Act,—

(*a*) require any person licensed under this Act to furnish such information as may be specified;

(*b*) inspect or cause to be inspected any return, document or account book in the possession of a person licensed under this Act;

(*c*) between the hours of 6 A.M. and 6 P.M. enter and inspect any land, building, vessel, vehicle or place of a person licensed under this Act, with a view to satisfying himself that such licensed person is complying with the provisions of this Act or of any rule or order made thereunder;

(*d*) at all reasonable times enter and search any land, building, vessel, vehicle or place wherein or in any part of which silkworm seed is stored or is being transported and seize or authorise any person to seize any silkworm seed, including any vessel, receptacle, apparatus, package or covering in which such seed is contained, in respect of which he has reason to believe from personal knowledge or from information given by any person and taken down by him in writing that a contravention of this Act or of any rule or order made thereunder has been or is being committed.

(2) Every owner, occupier or other person in charge of any land, building, vessel, vehicle or place referred to in clauses (*c*) and (*d*) of sub-section (1) shall give all reasonable facilities to the officer authorised under sub-section (1) in carrying out his functions under the said sub-section.

Penalties.

12. (1) Any person who contravenes the provisions of section 3 or 4 shall be punishable with fine which may extend to five hundred rupees.

(2) Any rearer who contravenes the provisions of section 5 or 6 or any other provision of this Act or any rule, order or notification made thereunder, shall be punishable with simple imprisonment for a term which may extend to four weeks or with fine which may extend to twenty-five rupees, or with both.

(3) Any licensed buyer who contravenes the provisions of section 6 or 7 or any other provision of this Act or any rule, order or notification made thereunder, shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

(4) Save as otherwise provided in sub-sections (1), (2) and (3), any person who contravenes any of the provisions of this Act or of any rule, order or notification thereunder, shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Forfeiture of silkworm seed, etc.

13. Without prejudice to any punishment under section 12, the Court may direct that silkworm seed or any other article in respect of which an offence under this Act has been committed shall be forfeited to the Government.

Composition of offences.

14. (1) Any offence punishable under this Act may be compounded by the Director of Sericulture in Mysore on payment of such amount as may be prescribed.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

Protection of persons acting under the Act.

15. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Officers to be deemed public servants.

16. Every officer acting in pursuance of the provisions of this Act or rules or orders made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Power of Government to make rules.

17. (1) The Government may, subject to the condition of previous publication, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,

(*a*) the duties and powers of officers authorised to enforce the provisions of this Act and the manner of constitution of market committees and the powers and duties of such committees;

(*b*) the qualifications of rearers and other persons to whom licenses under this Act may be granted;

(*c*) the grant of licenses and the imposing of conditions in respect of the same and fees for the grant of such licenses;

(*d*) the grant of duplicate licenses and the renewal of licenses and fees for the same;

(*e*) appeals from any order under this Act, the authority to which such appeals shall lie, the time within which such appeals should be made and the procedure for dealing with such appeals;

(*f*) the forms of licenses to be granted under this Act;

(*g*) the fee payable by the licensed buyer in respect of cocoons purchased by him in the cocoon market;

(*h*) the courts by which any offence under this Act shall be cognizable;

(*i*) generally regulating the procedure to be followed in proceedings under this Act;

(*j*) any other matter which may be prescribed under this Act.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. C. 974—Co. 22-52-9, dated Bangalore, 14th November 1952.

In pursuance of Clause 5 of the Cement Rationing and Licensing Order, 1948, and in supersession of Notification No. C. 311—Co. 22-52-4, dated the 21st June 1952, His Highness the Maharaja is pleased to fix with effect from 15th November 1952, the prices of all brands of cement as noted below and to direct that notice of the price fixation be given by publication of the same in the Official Gazette and by issue of a Press Note :—

1. For deliveries to Stations in the Mysore State on the broad gauge up to and inclusive of Bangalore City and to all stations on the narrow gauge between Bangalore City and Bangarpet and for deliveries to the Civil Station, Bangalore.	Rs. 71 per ton loose in full waggon loads f.o.r. any railway station and Rs. 83-8-0 per ton for packed cement f.o.r. destination in full waggon loads.
2. For deliveries to Stations elsewhere in the Mysore State.	

3. Retail prices shall not exceed the maximum f.o.r. any Railway Station prices by more than the amount it would be permissible for the seller to charge under the normal practice authorised heretofore by the Cement Marketing Company of India on such an f.o.r. price. In charging such a price, the seller shall take into consideration the expenditure of items such as cost of unloading of waggon, cartage from stations to godown, stocking in godown, godown rents, wastage and profit margin of the seller;

4. Provided that waggon load as well as retail prices mentioned above shall be for supplies ex-nearest works. In the case of sale of waggon loads as well as retail sale, the sellers may in addition to such prices, charge extra for proportionate freight difference, if supplies were actually made from a more distant works;

5. Provided further that all such supplies into Mysore State from works other than the nearest works shall be made by the Cement Marketing Company of India, on the specific authorisation of the Controller of Civil Supplies in Mysore;

6. Provided also that in case of sales (waggon loads or small) the seller shall be entitled to charge in addition to the aforesaid waggon loads and retail prices extra for general or special increase in freight after the date of this order for octroi towns duty, terminal tax, sales-tax or any other charge, levy or imposition payable, by the sellers.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

NOTIFICATION.

No. C. 987—Co. 22-52-11, dated Bangalore, 18th November 1952.

In pursuance of Clause 5 of the Cement Rationing and Licensing Order, 1948, His Highness the Maharaja is pleased to direct that the prices of Cement fixed in Notification No. C. 974—Co. 22-52-9, dated the 14th November 1952 be withdrawn and that prices fixed in Notification No. C. 311—Co. 22-52-4, dated 21st June 1952 shall continue to be in force until further orders.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

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NOTIFICATION.

No. F.L. 7080—S.T. 112-52-2, dated Bangalore, 18th November 1952.

The following draft of an amendment to the Mysore Sales-Tax Rules, 1948, which the Government of Mysore propose to make in exercise of the powers conferred by sub-sections (1) and (2) of Section 25 of the Mysore Sales-Tax Act, 1948, (Mysore Act XLVI of 1948) is hereby published as required by sub-section (4) of the said Section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration after 22nd December 1952.

Any objection or suggestion which may be received by the Secretary to Government, Financial Department, Old Public Offices, Bangalore-1, from any person with respect to the said draft before the said date will be considered by the Government of Mysore.

DRAFT AMENDMENT.

In the said rules—

(1) after Rule 46 the following Rule shall be inserted, namely "46 A (1) The Commissioner of Sales-Tax may, by order in writing, at any time, transfer any case pending before an assessing authority to another assessing authority and the assessing authority to whom the case is so transferred may proceed either *de novo* or from the stage at which it was transferred.

(2) Where a case pending before an assessing authority is transferred to any other assessing authority under sub-rule (1) the assessing authority to whom the case is so transferred shall, notwithstanding anything contained in these rules or in any notification under clause (c) of Section 2, have the same powers and perform the same duties as those respectively conferred and imposed upon the assessing authority from the case was so transferred".

By Order and in the name of the Rajpramukh,

M. SHAMANNA,

Secretary to Government,

Finance Department.

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NOTIFICATION.

No. L. 12913—Ml. 152-52-13, dated Bangalore, the 14th November 1952.

In exercise of the powers conferred by section 46 (1) (h) read with section 61 (b) (xii) of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), the Government of Mysore is pleased to make the following MODEL RULES, for the levy and collection of a tax on shops and other places where a business or profession is carried on for purposes of profit, payable by the person or persons engaged in the business or profession.

MODEL RULES.

1. Tax on shops and other places in the Municipality where a business or profession is carried on for purposes of profit, payable by the person or persons engaged in the business or profession shall be levied by the Municipal Council at the rates specified in the schedule.

2. The tax shall be payable in advance in two equal half yearly instalments in April and October of every year or in one lumpsum if the assessee so desires.

3. No shop or other places of business or profession shall be liable to be taxed under these Rules in respect of any half year in which the person liable to pay the tax was engaged in the business or profession for a period of less than sixty days in the aggregate within the Town.

4. Any person who has paid the tax for the whole half-year or year and who ceases during such period to be liable to assessment, shall be entitled to refund of not less than half the assessment, provided that no such remission shall be granted unless notice in writing of the fact of his giving up the business or profession has been given to the President, Municipal Council, and no remission or refund shall take effect for any period, previous to the day of the delivery of such notice.

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SCHEDULE.

(See Rule 1.)

Maximum rates of tax on shops and other places of business or profession.

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. *Shops.*— for each shop per year.						
2. Other places where business or profession is carried on for purposes of profit. For each shop or place per year.						

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government;
Local Self-Government Department.

NOTIFICATION.

No. L. 13040—Ml. 152-52-14, dated 14th November 1952.

In exercise of the powers conferred by Section 46 (1) (*h*) of the Mysore Town Municipalities Act, 1951, the Government of Mysore is pleased to make the following Model Rules for the levy and recovery of Toll under Section 61 (*b*) (iii) of the Act, on vehicles entering the limits of a Town Municipality in the State :—

1. Tolls at the rates mentioned in schedule shall be levied upon the vehicles specified therein entering the Municipality and shall be paid on demand.

2. The person in charge of the Toll-gate shall give the person paying the toll a proper receipt showing the amount received, the date and hour of payment and the description or marks of identification of the vehicles.

3. Exemptions :—

In the following classes of vehicles no Toll shall be levied :—

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....

(here cases to be specified by the Municipality).

4. Toll shall be levied only once in respect of each vehicle passing through the Toll-gates of the Municipality, on any day, counted from sunrise to sunrise irrespective of the number of times the vehicle enters the Municipality or the different routes by which it enters.

5. The person in charge of the Toll-gate shall be bound to maintain a proper account of the daily collection and of the traffic passing through the Toll-gate and it must be produced for inspection whenever called upon by the President, Vice-President or the Executive Officer of the Municipality.

6. Any person may, before the expiry of the period mentioned in the permit, apply in writing to the President for renewal of the permit.

7. Whenever a person who has compounded for a definite period desires to discontinue to run his vehicle within the period, he may apply for the refund of the balance of money, if any, paid by him in advance and on reasonable cause being shown, the President may refund the excess amount, if any, paid by him, provided that no

refund shall be allowed for a sum less than one-third of the aggregate amount due for the period for which the composition is effected. All applications for such refund shall be presented within fifteen days from the date of such discontinuance after the lapse of which any such claim shall not be considered under any circumstances whatsoever.

Refunds.

8. Any person from whom toll has been recovered unauthorisedly or in excess of the amounts prescribed in respect of any particular vehicle may apply in writing along with the receipt to the President of the Municipality for the refund of the amount paid, within one month of the payment of such toll. Thereupon the President may have the claim investigated and disposed of.

General.

9. If the right of collection of Toll has been framed out, the composition fees collected by the President should be held at the credit of the Contractor and adjusted towards his dues in the final instalment for the year

SCHEDULE.

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(This shall be filled up by the Town Municipal Council).

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

NOTIFICATION.

No. L. 13157—Ml. 152-52-15, dated Bangalore, 14th November 1952.

In exercise of the powers conferred by Section 48 (1) (z) of the Mysore Town Municipalities Act, 1951, (Mysore Act, XXII of 1951) the Government of Mysore is pleased to make the following MODEL BYE-LAWS for the levy of toll on vehicles entering the limits of a Town Municipality in the State :—

Bye-laws regarding levy of Tolls.

1. The Municipal Council shall establish toll-gates for the purpose of collecting tolls on the several routes leading into the town and notify the location of such toll-gates.

2. The toll-gates shall be called the.....Town Municipal Toll-gates.

3. No vehicles liable to the payment of toll, shall enter into the Municipal limits except by one of the Toll-gates described here-under :

(Here enter the names of toll-gates and roads, etc.)

4. The Municipal Council shall have power to change, add to or combine the existing toll-gate if they consider that such a course is necessary for the proper collection of tolls. Every such change, addition or combination shall be notified in the limits of the Municipality.

5. No toll shall be levied on through traffic. The time limit for through traffic from one end to other end of the Town shall be one hour.

6. Every person or owner who is for the time being in possession or use of any vehicle shall be bound to stop at the first toll-gate of entry into the Town limit through which he desires to pass.

7. Every such person or owner in possession for the time being of any vehicle shall be bound to give all necessary and true information for the ascertainment of levy and collection of toll, to the person in charge of such toll-gates.

8. If on such information, the person in charge of the toll-gate considers that the owner or user of any bus, etc., is liable to pay toll, such owner or user shall pay such tolls at the prescribed rates. But if he considers that the owner or user is entitled to exemption, after looking into the pass or permit, if any, the person in charge of the toll shall permit him to proceed.

9. *Penalties.*—Any person who violates or commits breach of the above bye-laws shall render himself liable befor a Magistrate to a fine which may extend to Rupees Twenty.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

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NOTIFICATION.

No. T. 2716-26-R.T. 54-52-8, dated, Bangalore, 18th November 1952.

In exercise of the powers conferred by Rule 425 of the Mysore Motor Vehicles and Road Traffic Rules, 1945, Government direct that the 'Viberti' Passenger Trailer attached to and drawn by vehicle No. MY 3065 X belonging to Messrs. The Tourist Trailways, Bangalore, and bearing Chassis No. P. 65-D 105 be exempted from the operation of Rule 313 of the said Rules subject to the following conditions :—

(1) The overall length of the train shall not exceed 52 feet and 8 inches.

(2) The train shall be permitted to ply only on State Fund Roads.

(3) The exemption shall be valid only for a period of one year and shall be liable to be revised after that period.

By Order,
R. J. REGO,
Secretary to Government,
Development Department.

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NOTIFICATION.

No. T. 2803--R.T. dated Bangalore, 22nd November 1952.

The draft of the following further amendments to the Mysore Motor Vehicles and Road Traffic Rules, 1945, which the Government of Mysore propose to make in exercise of the powers conferred by Section 91 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), is hereby published, as required by sub-section (1) of Section 133 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 13th December 1952. Any objections or suggestions which may be received from any person by the Secretary to Government, Development Department, Old Public Offices, Bangalore, in respect of the said draft before the date specified will be considered by the Government of Mysore :—

Draft Amendment.

In rules 346 (*b*) and 383 (*b*) of the said rules, the words and figures "until the first date of January 1951" shall be omitted; and for the words "the Disposals Organisation of the Government of India", the words "the Disposals organisation of the Government of India or other sources" shall be substituted.

By Order and in the name of the Rajpramukh,

R. J. Rego,

Secretary to Government,
Development Department.

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NOTIFICATION.

No. A.F. 7974—Mart. 4-52-10, dated Bangalore, 20th November 1952.

In exercise of the powers conferred by Sub-section (1) of Section 6 of the Mysore Agricultural Produce Markets Act, 1939 (Mysore Act No. XVI of 1939), Government of Mysore is pleased to make the following further amendments to the Mysore Agricultural Produce Markets Rules, 1947, the draft of such amendments having been published in the *Mysore Gazette* dated 30th October 1952, as required by the said Act.

In the said Rules :—

(1) For Clause (d) of sub-rule (2) of Rule 4, the following clause shall be substituted, namely :—

"The Chairman of the Committee shall be nominated by the Government from among the members of the Committee".

(2) In Rule 20, the word "Election" in the marginal heading and the first two sentences shall be deleted and for the word "He" in the third sentence the words "the Chairman" shall be substituted.

(3) In Rules 21 and 22 the words "Chairman or" wherever they occur shall be omitted.

By Order and in the name of the Rajpramukh,

L. MUNISWAMY,
Secretary to Government,
Education and Agriculture
Departments.

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NOTIFICATION.

No. L. S. 4405—L.W. 39-52-14, dated Bangalore, 14th November 1952.

In exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947, (Central Act XIV of 1947), the Government of Mysore are pleased to direct that the following further amendment shall be made to the Industrial Disputes (Mysore) Rules, 1951, the draft of the same having been published in Part IV, Section II-C of the *Mysore Gazette* dated 25th September 1952, in Notification No. L.S. 3494—L.W. 39-52-12, dated 23rd September 1952.

AMENDMENT.

In the said Rules :—

(1) Rule 20 shall be numbered as sub-rule (1) of the said rule and after the rule as so re-numbered, the following sub-rule shall be inserted, namely :—

"(2) Subject to the provisions of sub-rule (1), the Tribunal shall also have the power to consolidate a number of references under Section 10 arising in the same Industry and having common issues and give a single Award determining such issues;

Provided that the Tribunal shall before giving its Award take into consideration the financial capacity of each undertaking or any other factor which needs special consideration."

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 4415—L.W. 315-51-8, dated Bangalore, 15th November 1952.

FIXATION OF OPENING AND CLOSING HOURS FOR DRAMA THEATRES.

In exercise of the powers conferred by sub-section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948, (Mysore Act, II of 1948), the Government of Mysore are pleased to order that with effect from 15th November 1952, no Dramatic Theatre situated in the following areas, shall be opened on any day earlier than 9 A.M. or closed on any day later than 2-30 A.M.:—

(*a*) City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949.

(*b*) Municipal limits of Cities of Mysore and Davangere.

(*c*) Area within the jurisdiction of the Kolar Gold Fields Sanitary Board constituted under the Mysore Mines Act (IV of 1906).

(*d*) Municipal limits of the towns of Shimoga and Chikmagalur.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 4465—L.W. 269-52-2, dated Bangalore, 19th November 1952.

Notice is hereby given that it is proposed to pass an order under Sub-section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948, that with effect from 15th December 1952, *no theatre or place of public amusements or entertainment* situated within the Municipal Limits of Davangere City and Tumkur Town, shall be opened on any day earlier than 9 A.M. or closed on any day later than 1 A.M.

Any person wishing to make any objection or suggestion with respect to the above order shall send it in writing to the Commissioner of Labour in Mysore, Bangalore, before 15th of December 1952.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,

Law Department.

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NOTIFICATION.

No. L.S. 4487—L.W. 269-52-3, dated Bangalore, 19th November 1952.

Notice is hereby given that it is proposed to pass an order under Sub-section (1) of Section 7 of the Mysore Shops and Establishments Act, 1949, that with effect from 15th December 1952, *no Shop* situated in the Municipal Limits of Davangere City and Tumkur Town, shall be opened on any day earlier than 6 A.M. or closed on any day later than 10 P.M.

Any person wishing to make any objection or suggestion with respect to the above order shall send it in writing to the Commissioner of Labour in Mysore, Bangalore, before 15th of December 1952.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 4489—L.W. 269-52-4, dated Bangalore, 19th November 1952.

Notice is hereby given that it is proposed to pass an order under Sub-Section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948, that with effect from 15th December 1952, *no commercial establishment* situated in the Municipal limits of Davangere City and Tumkur Town shall be opened on any day earlier than 8 A.M. or closed any day later than 8 P.M.

Any person wishing to make any objection or suggestion with respect to the above order shall send it in writing to the Commissioner of Labour in Mysore, Bangalore, before 15th December 1952.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 4491—L.W. 269-52-5, dated Bangalore, 19th November 1952.

Fixation of opening and closing hours for Drama Theatres

Notice is hereby given that it is proposed to pass an order under Sub-Section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948, that with effect from 15th December 1952, *no Drama Theatre* situated in the Municipal limits of Tumkur Town, shall be opened on any day earlier than 9 A.M. or closed any day later than 2-30 A.M.

Any person wishing to make any objection or suggestion with respect to the above order shall send it in writing to the Commissioner of Labour in Mysore, Bangalore, before the 15th December 1952.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 4493—L.W. 269-52-6, dated Bangalore, 19th November 1952.

Notice is hereby given that it is proposed to pass an Order under Sub-Section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948, that with effect from 15th December 1952, *no Restaurant or Eating house* situated in the Municipal limits of Davangere City and Tumkur Town, shall be opened on any day earlier than 5 A.M. or closed any day later than 10 P.M.

Any person wishing to make any objection or suggestion with respect to the above order shall send it in writing to the Commissioner of Labour in Mysore, Bangalore, before the 15th of December 1952.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,

Law Department.

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CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1411—Legis. 7-52-7, Bangalore, dated 27th November 1952.

Ordered that Notification No. S.R.O. 1903, dated 15th November 1952, of the Ministry of Law—The Constitution (Application to Jammu and Kashmir) Second Amendment Order, 1952 (C.O. 43) published in the *Gazette of India*, Part II, Section 3, dated the 15th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 15th November 1952.

S.R.O. 1903.—The following Order made by the President is published for general information :—

C.O. 43.

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) SECOND AMENDMENT ORDER, 1952.

In exercise of the powers conferred by clause (1) of article 370 of the Constitution of India, the President, in consultation with the Government of the State of Jammu and Kashmir, is pleased to make the following Order :—

1. (*1*) This Order may be called the Constitution (Application to Jammu and Kashmir) Second Amendment Order, 1952.

(2) It shall come into force on the 17th day of November, 1952.

2. At the end of paragraph 3 of the Constitution (Application to Jammu and Kashmir) Order, 1950 (hereinafter referred to as "the principal Order"), there shall be added the words "and to the modification that all references in the said provisions to the Rajpramukh shall be construed as reference to the Sadar-i-Riyasat of Jammu and Kashmir".

3. In the Second Schedule to the principal Order,—

(a) in the entry in the second column relating to Part XIX, after the figures "365" the words, brackets and figures "and clause (21) of article 366" shall be inserted; and

(b) in the entry in the second column relating to Part XXI, for the figures and word "376 and 378" the figures and word "376, 378 and 386" shall be substituted.

[No. F. 23 (6)/32-C]

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

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NOTIFICATION.

No. L.D. 1412—Legis. 7-52-8, Bangalore, dated 27th November 1952.

Ordered that Notification No. S.R.O. 1904, dated 15th November 1952 of the Ministry of Law—Declaration under Article 370 (3) of the Constitution (C.O. 44) published in the *Gazette of India* Part II, Section 3, dated the 15th November 1952, be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi the 15th November 1952.

S.R.O. 1904.—The following Declaration made by the President is notified for general information :—

C.O. 44.

DECLARATION UNDER ARTICLE 370 (3) OF THE CONSTITUTION.

In exercise of the powers conferred by clause (3) of article 370 of the Constitution of India, the President, on the recommendation of the Constituent Assembly of the State of Jammu and Kashmir, is pleased to declare that, as from the 17th day of November 1952, the said article 370 shall be operative with the modification that for the "*Explanation*" in clause (1) thereof the following *Explanation* is substituted, namely :—

"*Explanation.*—For the purposes of this article, the Government of the State means the person for the time being recognised by the President on the recommendation of the Legislative Assembly of the State as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office."

[No. F. 23 (6)/52-C]

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV.

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 4595—L.W. 273-52-2, dated Bangalore, 25th November 1952.

Ordered that Notification No. S.R.O. 1344, dated the 29th July 1952, of the Government of India, Ministry of Labour, publishing the award of the All India Industrial Tribunal (Bank Disputes) relating to grant of interim relief to workmen in Banking Companies, in the *Gazette of India* Extraordinary, Part II, Section 3, be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 29th July 1952.

S.R.O. 1344.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Bank Disputes) relating to grant of interim relief to workmen in banking companies.

AWARD

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES), BOMBAY.

I.A. No. 14/52 (Application by All India Bank Employees' Association), I.A. No. 27/52 (Application by Federation of Bank of India Staff Unions) and other demands for interim relief in Reference No. 1/52 (S.R.O. 36, dated 5th January 1952).

In the matter of the main adjudication of the dispute specified in Schedule II to the Government of India, Ministry of Labour Notification No. S.R.O. 36, dated 5th January 1952, between Banks and their workmen, and directions for interim relief regarding dearness allowance, working hours and overtime and medical relief.

Certain demands for interim relief on behalf of a large section of Bank employees have been pressed before us. The All India Bank Employees' Association has filed a regular application praying for interim relief on behalf of the employees of its constituent unions. Thirteen Exchange Banks employees unions have joined in the request; so also employees of unions affiliated to the Indian National Trade Union Congress. These demand- relate primarily to three matters :

(1) Restoration of Sen Award working hours and overtime payment.

(2) Payment of dearness allowance according to the Sen Award formulæ wherever there is a rise in the cost of living index.

(3) Medical Relief on the lines of the Sen Award.

2. The Bank managements oppose the grant of any interim relief primarily on the merits and also on legal points. Lengthy arguments have been advanced before us. We have considered the matter very carefully. We will pass a comparatively short order because in a matter dealing with these important subjects at this interlocutary stage it is not desirable to make observations which are likely to be construed as pre-judging or tending to pre-judge the issues which must await a fuller investigation.

3. We take up the question of law first. If we have no power to grant interim relief at all there is no need for consideration of the question on the merits. Mr. H. M. Seervai contended that the Tribunal cannot legally grant any interim relief firstly because interim relief is not one of the disputes referred to the Tribunal for adjudication. Secondly, it cannot even be said to be incidental to any points of dispute found in the reference within the meaning of Section 10, clause (4) of the Industrial Disputes Act, 1947. Thirdly, the Legislature having provided for interim relief by Section 7 of the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951, the Tribunal's jurisdiction, both expressly and impliedly, must be taken to have been excluded.

4. So far as our legal power is concerned the matter is concluded by a number of decisions in favour of affirming the existence of such a power. It is sufficient to refer to the following decisions :—

(1) Punjab National Bank, Ltd., and their workmen—June 1952 Labour Law Journal, page 791.

(2) Punjab National Bank, Ltd., *versus* A. N. Sen and Others—March 1952 Labour Law Journal, Vol. I, page 371.

(3) Thakur Yugol Kishore Sinha *versus* the State of Bihar—March 1950 (2) Labour Law Journal, page 539.

The first of these decisions is by the Labour Appellate Tribunal and the other two by High Courts. Mr. Seervai concedes that so far as this Tribunal is concerned the matter must be taken to be concluded by the latest decision of the Labour Appellate Tribunal. It is also significant that the said decision deals with a contention based on the amendment of Section 10, clause (4) of the Industrial Disputes Act, 1947, and its effect on the definition of the term "Award" in Section 2 in the main Act. He, however, desires to press this contention before us as he wants to

raise the point, if need be, before higher Tribunals. He contends that even the latest decision of the Labour Appellate Tribunal requires reconsideration and that an argument based on Section 7 of the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951, has not been considered in that decision. We do not wish to discuss the matter further. We hold that there is power to grant interim relief if a proper case is made out. We accordingly turn to the merits of the dispute between the parties.

5. The first important question is the one relating to working hours. The demand is for restoration of working hours as per Sen Award together with overtime payment as fixed by that Award. The Sen Award provided for the clerical staff 6½ hours per week day and 3½ hours per Saturday, totalling 36 hours per week exclusive of recess. For the subordinate staff it provided for 7½ hours per week day and 4 hours per Saturday making in all 41½ hours per week. Overtime payment at double the usual rate was also to be paid by the banks. Overtime work commenced immediately on the close of the working hours as stated above. In other words, there was no "cushioning" for any short period during which time there was to be no overtime payment. After the Sen Award was declared void, there appears to have been a tripartite conference between the Government, the representatives of banks managements and of bank employees. The situation created by the judgment of the Supreme Court appears to have been carefully discussed. An understanding on certain points of dispute was arrived at between the parties but not on all items. The Industrial Disputes (Amendment and Temporary Provisions) Act, 1951, was thereupon passed by the Legislature. It was followed by the appointment of a Tribunal. When the members of that Tribunal resigned there was some delay in the constitution of the present Tribunal. During the interval most of the banks increased their working hours. The employees raised strong objections. Even now, in some places they are not working according to the new hours as prescribed. In other places they resisted for some time but they were ultimately made to yield. It is in these circumstances that the present demand for the restoration of the Sen Award working hours is made before us.

6. The main contention before us is that the present working hours are in some places very long and extend to as many as 54 hours in some out of the way places. Even in some important cities the working hours have been increased beyond the Sen Award hours and no overtime is paid. During the arguments we called for statements from the Banks showing the pre-Sen working hours, working hours during the Sen Award period and the post Sen period. Exhibit B2 filed on behalf of the banks is such a statement. Most of the important banks have given their present hours. A distinction has been made between the hours prescribed by circulars and the actual working hours in practice. It was pointed out that in several cases the employees are allowed to leave as soon as the day's normal work is finished. From the statement it is clear that there is great variation in the number of working hours of banks as at present. *Prima facie* it is difficult to see any justification for this. There ought to be a fairly uniform period of working hours for all employees in banks just as there is or ought to be in Government offices and well-ordered commercial concerns. Mr. A. S. R. Chari contended vigorously that the increase in the working hours by banks varied according to the strength or weakness of the trade union movement in several places in the country. In some places where the union is weak working hours have been increased enormously to the great detriment of the health of the employees. The banks stated that in practice what appears to be long hours are not observed, such hours being fixed merely for purposes of calculation of overtime beyond those hours. The banks further stated that where the normal day's work is done, the employees are permitted to leave the premises.

7. We consider that it is desirable to have a uniform number of hours applicable to all banks. This must be *prima facie* in conformity with and not much in excess, if at all, over office hours of middle class employees in Government and allied concerns. The Award of Shri B. B. Singh fixed 41½ hours for U.P. Banks. The Award of Shri R. Gupta in Calcutta fixed 36½ hours with no overtime at all for the employees of the Imperial Bank of India in Calcutta and Bengal Circle. The Sen Award fixed 36 hours all through and ordered overtime payment for work beyond those 36 hours at the usual double rate. A study of the various working hours by different banks at different places as set out in Exhibit B2 shows that in effect they vary from 36 to 44 normally; in some cases, they even go beyond. It was pointed out that immediately the Sen Award became effective banks reduced banking hours for the public by half an hour on each week day and by about an hour on Saturday and also Saturday clearing was stopped. It was contended on behalf of the employees that this was a deliberate concerted move to prejudice the Sen Award in the eyes of the public. The banks' reply was that from the past experience of several years, the reduction in working hours as fixed by the Sen Award necessitated reduction of business hours for the public. We are not at present coming to a conclusion on that point one way or another. We are of opinion that taking all the circumstances into consideration a maximum limit of 39 hours per week made up of 7 hours per week day and 4 hours per Saturday exclusive of recess should be fixed as applicable to all banks purely as an interim measure, pending the determination of the question by our final Award. This decision has the advantage of abolishing the astounding variety of working hours as at present and substituting a fairly uniform standard. Secondly, it certainly curtails the excessive hours of work in some of the out-of-the way branches and in some banks about which we had loud protestations. It is more or less in accordance with the requirements of work as found in the working hours statements of the major banks in the major cities. Though it increases the Sen Award working hours by 3 hours per week it also permits the retention of the present banking hours, as well as retention of the Saturday clearing. The convenience to the public is not affected. There is considerable relief to the employees from over-work. A fairly uniform standard is laid down and, besides, there is another advantage relating to overtime payment to which reference will be made below. Reiterating again that we do this purely as an interim measure and without any way pre-judging the issue, we think this limit of 39 hours maximum will be a just and equitable solution of the problem. We therefore, order that the present working hours of the banks wherever they are less than 39 hours should be retained but anything over 39 hours should be given up. 7 hours during week days and 4 hours on Saturday will be allowed. There must, of course, be an interval of not less than half an hour for lunch during week days. This is exclusive of the 7 hours fixed above. These will be the limit of prescribed hours, but it is hoped, that in practice as was stated by some of the big banks the actual hours may fall short and employees will continue to be allowed to go as soon as their day's work is finished. Further, we direct overtime payment for period beyond 7 hours on week days and 4 hours on Saturday as per the scale of the Sen Award. The banks complained that there is a tendency on the part of the workmen to go slow because of the overtime payment allowed by the Sen Award. particularly as there was no cushioning or an intermediate period beyond the stated hours of work. What we have provided will really operate as having the cushioning effect for a period of half an hour every day beyond the hours fixed by the Sen Award. This is for the clerical staff. As regards subordinate staff, we fix the maximum number of working hours at 42½ per week. From all these points of view, it appears to us eminently just and reasonable that an order in the above terms should prevail during the pendency of our enquiry and until our Award becomes enforceable.

8. The second question of importance relates to dearness allowance. The claim of the Unions is that dearness allowance should be paid as per the Sen Award formula wherever there is a rise in the slab due to the rise in the cost of living index. Mr. Phadke for the Exchange Banks had asked for dearness allowance at an increased flat rate but he withdrew that claim and chose to fall in line with the claim of the other Unions as stated above. This claim proceeded on the footing that Section 7 of the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951, froze the dearness allowance at the March 1951 'rate' meaning thereby 'the amount' paid in March 1951; in other words, any fall in the slab is not to affect adversely the employees. At one time it was stressed that this was not the proper interpretation of Section 7 of the Act. It was urged that on true construction, it directed a rise in the payment of dearness allowance according to a rise in the cost of living index. Emphasis was laid on the use of the word "rate" as distinct from "amount", but when it was pointed out that that argument would amount to this that the Legislature had already granted them substantially by statutory provision what they now ask the Tribunal to grant by way of discretionary interim relief and that the Legislature itself had provided a remedy for realization of the correct amount, it was felt that that method of approach to the problem was not the proper one. Ultimately, therefore, the employees rested their case on the assumption that the Legislature froze the amount as in March 1951 and it did not permit a fall. On that footing, it was urged that ever since April 1951, there has been a considerable rise in the cost of living index in various parts of the country which rise altered the slabs in favour of the employees and entitled them to higher dearness allowance at the increased slabs. Detailed charts showing the cost of living index figures in various places during the months of 1951 and the first 3 or 4 months of 1952 have been filed by the parties before us. An examination of these charts shows that there has been a rise in some parts of the country in the cost of living index which has increased the slab for calculation purposes. We find, on a close inspection, that the slab has been steady throughout in Madras and in Nagpur, but in Bombay for five or six months only there has been a rise, otherwise it is steady. In Calcutta, there has been an increase of one slab down to December 1951 but otherwise it is steady. There has been an increase by one slab in Kanpur and Delhi. We have considered the major places. We called for figures from banks as regards the number of branches in different States and the present number of employees. Most of the major banks have furnished such statements. We find that nearly 13,000 workmen are in West Bengal, about 10,000 in Bombay, about 5,000 each in Madras and U.P. and about 2,500 in Delhi. In some areas the number is really less than 2,000 and in some other places even less than 1,000. That gives a rough picture of the distribution of employees amongst banks in the various parts of the country. It is clear, therefore, that there is a rise which may be said to affect only one half of the total number of employees. The extent of such rise in the cost of living index has been set out above, Mr. Chari calculated what would be in effect a loss sustained by the employees by the non-implementation of the Sen Award by not giving higher dearness allowance according to the increase in the cost of living index. His chart shows that speaking broadly and generally, about a month's salary for the whole year may be said to be withheld from the employees. A study of the cost of living index reveals that generally the rise has been by not more than 10 points on an average for 4 or 5 months, and it never exceed 16 points. Such increase in terms of points may however work out in terms of percentage to something like 5 per cent, and in some cases a little more. The Banks' contention therefore was that there has not been an appreciable rise in the cost of living index so as to cause acute distress of a kind which calls for urgent interim relief pending the passing of an Award by this Tribunal. Our attention was drawn to the test laid down by the Sen Tribunal in the various interim awards which they gave

from time to time wherefrom it appears that unless there is a rise of about 25 per cent, or thereabout so as to justify an inference of an acute distress, interim relief was not called for. This test was no doubt applied to cases where generally there was a prior award fixing reasonable scales of pay and dearness allowance. Moreover, it was pointed out that the freezing of the employees' salary at the 1951 March level itself secures for the employees a decent amount by way of salary which, compared with what they were getting in pre Sen period, really comes to an increase ranging from 25 to 30 per cent. It was contended that the employees were not so badly off and the temporary rise in the cost of living index to some extent does not justify the grant of interim relief, particularly when we find from the study of the figures of the cost of living index from January 1952 onwards the tendency is towards a fall in prices. It is true that due to withdrawal of food subsidy the tendency towards a fall has been arrested and there is a slight increase in the month of April and possibly May also in some parts of India, but on the whole the picture that emerges is a slight rise in the remaining months of 1951 and a fall in 1952. The rise, however, is not appreciable. The slab, it must be remembered may vary by one unit even when there is an increase of a few points, as, for instance, between 138 and 142. The former will be three slabs and the latter four though the increased points are only 4 in number. Taking a broad view of the matter and remembering that this is only an interlocutary stage when the full enquiry is not before us, we do not think that a case for grant of dearness allowance as per Sen Award formula is made out. Further, the Legislature having addressed its mind to the particular question of pay and allowances and how the matter should be dealt with during the interval, we think that what the Legislature has provided for must be deemed to be sufficient unless a very clear case is made out. Moreover, it was pointed out that a large number of the employees have drawn their increments in February 1952 and received increased dearness allowance. Bonuses also have been declared and paid in several cases. On the whole we are not satisfied that the level at which pay and allowances have been stabilised is so low as to require the grant of an immediate relief through increased dearness allowance as prayed for. The rise, such as it is, is not, in our opinion, so marked as to call for relief being granted now.

9. We have to say a special word with regard to banks in Part 'B' States. It was contended that Part 'B' States did not have the benefit of the Sen Award or Section 7 of the Industrial Disputes (Amendment and Temporary Provisions) Act, 1951, and the pay scales in most of these banks are very low and have been low for several years. In their case the suffering is said to be acute. It was however made known to us that most of the major banks have adopted the Sen Award scales in Part 'B' States also with the result that the present scale of salary there is on Sen Award lines. It is only with reference to four or five banks figures were given to show that the pay scale was low but even there on examination it was found that there has been since then a revision of pay scale in recent times and therefore no special case is made out for the banks in such States. In the result this prayer as regards dearness allowance is refused.

10. The third item for which interim relief is asked relates to medical relief Amenities by way of medical relief were being given in some of the big banks even prior to the Sen Award. The Sen Award provides for medical relief in all cases but regulates it with regard to different classes of banks. The Sen Award was in force only for a few months. Most of the bank employees did not have the benefit of medical relief before the Sen Award period and after the Sen Award period they have been denied such relief. The employees now demand the restoration of the benefits as per Sen Award. The banks complain that this cannot be adopted

in toto and the Sen Award itself requires many modifications. It was particularly pointed out by 'A' Class banks that no upper limit has been fixed with regard to medical expenses bills. A limit has been fixed for 'B' and 'C' Class banks. They complain that there have been several instances of what they characterise as a misuses of medical relief benefit by the employees. We are not now in a position to go into the merits of the dispute, but broadly speaking medical aid is certainly an urgent matter. From a humanitarian point of view the banks should not hesitate to give reasonable medical relief to their employees where they can afford it. Undoubtedly, social security schemes are essentially part of the duties of the State as a whole, but it has been recognized that institutions and establishments should contribute towards the same, at least so far as their own employees are concerned. The materials before us not being full, we should ordinarily have hesitated to give any direction so far as this medical relief claim goes, still we feel that it should not be too much of a burden on banks if we give some kind of relief now pending our final award. 'A' Class banks have stated before us that even now they continue to have doctors in various important centres where free consultation is allowed and usual mixtures are given free. Only costly injections are not given free. In some cases where there is a real need for treatment involving expenses they generally grant a portion of such expenses. We have not before us any figures relating to the amount spent by banks under this medical relief item as per Sen Award. All that we can do therefore in the present case is to say that all existing facilities by way of providing for doctors and free consultation and free medicines should be kept up and the banks should further implement the provision relating to payment of bills but subject to a limit to be imposed by us. The limit for 'B' and 'C' Class banks is as per Sen Award. For 'A' Class banks the limit will be at double the rate fixed for 'B' Class banks in the Sen Award. These directions in our opinion, will provide a working basis which, while not denying *in toto* medical relief to employees, secures to them at least some part of their prayer.

11. Lastly, certain special matters were brought to our notice in relation to individual banks and employees in particular offices. In the course of the discussion before us a solution of many of these matters was agreed upon between Counsel and in some cases there was a promise that all the matter would be considered with a view to remove all legitimate grievances. We do not want to give any directions now on any of these matters as there is no need to do so.

12. There yet remains one question as to the form in which the relief is to be given. It was suggested to us that we should pass what is known as an "order" as distinct from "award". If it is an Award it has to be sent for publication. If it is an order it need not go for publication. The essential difference consists only in the time factor. Our attention was drawn to a decision of the Labour Appellate Tribunal which holds that it is only the final Award which requires to be sent for publication. In this view it was urged that we can pass an interim 'award' or an interim 'order' or 'decision' which did not need publication by Government for it to become effective. The employees' Counsel stated before us that this is what they wanted. The Banks' Counsel suggested that there might be some legal difficulty particularly with reference to the method of giving effect to the order. The employees' Counsel categorically stated before us that they would take the risk whatever it may be of our passing an order instead of an award. In our opinion mere nomenclature is really not the relevant consideration. The real question is whether we can make our decision by whatever name we call it, to take effect from the date to be fixed by us without pre-publication by Government. We are of opinion that as per the judgment of the Labour Appellate Tribunal already referred to we may adopt the course of reading out our decision and passing an order

directing its enforceability even before publication. As a matter of precaution we also propose to send a copy of this decision in the form of an interim award for publication to Government not only for avoiding a possibility of any legal difficulty in enforcing the order but also for carrying it out more effectively.

13. The directions regarding working hours as above will come into effect from 4th August 1952. As regards medical relief it will come into effect from 1st August 1952 but bills already received by the banks before 1st July 1952 will also be taken into consideration and paid for by them but the employees will not be allowed to send in new bills for any period prior to 1st August 1952.

14. As regards I.A. No. 27/52, in view of the above conclusions, it is unnecessary to consider the special case relating to certain employees of the Bank of India who had opted since September 1950 for the scale of pay and dearness allowance of the Bank of India.

S. PANCHAPAGESA SASTRY, *Chairman.*

BOMBAY,

M. L. TANNAN, *Member.*

Dated the 21st July 1952.

V. L. D'SOUZA, *Member.*

[No. LR-100 (43).]

S. MULLICK, Dy. Secy.

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NOTIFICATION.

No. L.S. 4630—L.W. 224-52-6, dated Bangalore, 27th November 1952.

WHEREAS the Government of Mysore are of opinion that an industrial dispute exists between the Management of the Steel Construction Co., Ltd., Bangalore, and the Workmen employed in the said concern in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (c) of sub-section (1) of Section (10) of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated 28th June 1952.

POINTS OF DISPUTE.

1. Grant of Bonus for the year 1951-52.

2. Grant of fifteen days' sick leave to the employees with Dearness Allowance for the whole period and full wages for half the period.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 4635—L.W. 215-52-8, dated Bangalore, 27th November 1952.

WHEREAS the Government of Mysore are of opinion that an industrial dispute exists between the Workers and Management of the Central Karnataka Motor Services, Ltd., Shimoga, in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (c) of sub-section (1) of Section (10) of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated 28th June 1952.

POINTS OF DISPUTE.

1. The grade pay of Drivers be fixed at Rs. 60—10—100.
2. Do do Conductors be fixed at Rs. 40—6—70.
3. Do do Cleaners be fixed at Rs. 30—5—60.
4. Do do Fitters be fixed at Rs. 60—10—100.
5. Do do Mechanics be fixed at Rs. 80—10—120.
6. Dearness allowance be paid as in the case of Railway workmen.
7. Daily batta of Rs. 1-8-0 each be given to Drivers and Conductors, who work in the Bus covering 90 miles and halt at Headquarters. Daily batta of Rs. 1-14-0 be given to Drivers and Conductors who work in Buses covering 91 miles to 130 and halt at Headquarters.

   Daily batta of Rs. 2-4-0 to be given to Drivers and Conductors working in halting services.
8. Payment of increments (inclusive of arrears for last 2 to 3 years) to all employees.
9. Grant of three months bonus for all employees.
10. Institution of a Provident Fund Scheme.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 4640—L.W. 9-52-5, dated Bangalore, 27th November 1952.

hereas the Government of Mysore are of opinion that an rial dispute exists between the Workers and Management of vernment Porcelain Factory, Bangalore, in respect of the points pute specified below ;

nd whereas the Government of Mysore consider it desirable to he dispute for adjudication ;

ow, therefore, in exercise of the powers conferred by Clause (c) section (1) of Section 10 of the Industrial Disputes Act, 1947 al Act No. XIV of 1947), the Government of Mysore are hereby d to refer the said dispute for adjudication to the Industrial nal constituted in Government Notification No. L.S. 1515—131-52-1, dated 28th June 1952.

POINTS OF DISPUTE.

1. Whether all or any of the hands who worked during the year 1950-51 e subsequently retrenched are to be granted bonus for the year 1950-51 ?

2. Whether any retrenchment was effected without proper notice, as required Service Rules and Standing Orders, and without the consultation of the Association and if so, is such retrenchment correct and justifiable ?

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 4645—L.W. 275-52-1, dated Bangalore, 27th November 1952.

Whereas the Government of Mysore are of opinion industrial dispute exists between the Workers and Manageme Bangalore Woollen, Cotton and Silk Mills Co., Ltd., Bang respect of the points of dispute specified below;

And whereas the Government of Mysore consider it des refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by C of sub-section (1) of Section (10) of the Industrial Disputes A (Central Act No. XIV of 1947), the Government of Mysore a pleased to refer the said dispute for adjudication to the I Tribunal constituted in Government Notification No. L.S. L.W. 131-52-1, dated 28th June 1952.

POINTS OF DISPUTE.

1. Has the practice of paying bonus at the end of every six mont the status of a condition of service?

2. Are the workmen in the concern entitled to bonus even oth the period ending June 1952?

By Order and in the name of the Ra

N. R. JAYA

Secretary to Gover
Law Depart

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NOTIFICATION.

No. L.D. 1404—Legis. 6-52-73, dated Bangalore, 27th November 1952.

Ordered that Notification No. S.R.O. 1866, dated the 7th November 1952, of the Ministry of Finance, under Section 53 of the Banking Companies Act, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 15th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

(Department of Economic Affairs.)

New Delhi, the 7th November 1952.

S.R.O. 1866—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949) and on the recommendation of the Reserve Bank of India, the Central Government hereby declares that—

(*a*) the provisions of section 16, and section 10 (1) (*b*) (*i*) (in so far as they relate to the employment of any person who is or at any time has been adjudicated insolvent or has suspended payment or has compounded with his creditors) of the said Act shall not apply to the Colony Bank, Ltd., till the 15th September, 1955;

(*b*) the provisions of section 10 (1) (*c*) (*i*) and (*ii*) of the said Act shall not apply to the Punjab Co-operative Bank, Ltd. and the Colony Bank, Ltd., till the 15th September, 1955;

(*c*) the provisions of section 19 (2) of the said Act shall not apply :

(*i*) till the 30th September 1953, to the Traders' Bank, Ltd., in so far as they relate to its holdings in the City Bank of Lahore, Ltd. (in liquidation), the National Finance of India, Ltd., the Electrical Fan and Motor Manufacturing Company, Ltd. and the Indian Sewing Machine Manufacturing Company, Ltd.

(*ii*) till the 15th September 1953, to the New Bank of India, Ltd., in so far as they relate to its holdings in the Ramkola Sugar Mills, Ltd., and till the 15th September 1955, in so far as they relate to its holdings in the Globe Engineers, Ltd., and the Jupiter Investment Trust Ltd.,

(*iii*) till the 15th September 1955, to the Punjab Co-operative Bank, Ltd., in so far as they relate to its holdings in the Prem Spinning and Weaving Mills Company, Ltd.

(*d*) the provisions of sub-section (3) of section 19 of the said Act shall not apply :

(*i*) till the 30th September 1953, to the Traders' Bank, Ltd., in so far as they relate to its holdings in the National Finance of India, Ltd.

(*ii*) to the New Bank of India, Ltd.,--

(a) in so far as they relate to its holdings in the Lakshmi Insurance Company, Ltd., till the 15th September 1953, and

(b) in so far as they relate to its holdings in the Jupiter Investment Trust, Ltd., and the New India Investment Trust, Ltd., till the 15th September 1955,

(*iii*) till the 15th September 1955, to the Punjab Co-operative Bank, Ltd., in so far as they relate to its holdings in the Prem Spinning and Weaving Mills Company, Ltd. and the Central India Electric Supply Company, Ltd.

[No. F.4(165)-F.1/52.]

S. K. SEN, Dy. Secy.

NOTIFICATION.

No. L. D. 1405—Legis. 6-52-74, dated Bangalore, 27th November 1952.

Ordered that Notification No. S.R.O. 1879, dated the 5th November 1952, of the Ministry of Communications delegating certain powers under the Indian Telegraph Act, 1885 to Telegraph Authorities, published in the *Gazette of India*, Part II, Section 3, dated the 15th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

New Delhi, the 5th November 1952.

S.R.O. 1879.—In exercise of the powers conferred by sub-section 2 of section 4 of the Indian Telegraph Act, 1885 (XIII of 1885), and in supersession of the Notification of the Government of India in the late Department of Industries and Labour No. 7.T., dated the 28th April, 1927, the Central Government hereby delegates to the telegraph authority the power to grant licences to establish, maintain or work a telegraph within any part of India, subject to the restriction that the telegraph authority shall not issue licences for establishing, maintaining or working any wireless telegraph except for broadcast receivers.

[No. 2434-OC/52.]

K. V. VENKATACHALAM, Dy. Secy.

757

NOTIFICATION.

No. L.D. 1406—Legis. 5-52-90, dated Bangalore, 27th November 1952.

Ordered that Notification No. S.R.O. 1881, dated the 5th November 1952, of the Ministry of Communications, amending Indian Wireless Telegraph Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 15th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

New Delhi, the 5th November 1952.

S.R.O. 1881.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885) the Central Government hereby makes the following amendments in the Indian Wireless Telegraph Rules, 1949;

In the said Rules—

1. In rule 2 for clause (b) the following clause shall be substituted, namely;—

"(b)" "Certificate of Competency" means a certificate granted by the Central Government under these Rules or by the telegraph authority under these Rules before the issue of the notification of the Government of India in the Ministry of Communications No. 2436-OC/52, dated the 5th November 1952, or by the said authority under the Indian Wireless Telegraph Rules, 1933, or under the Indian Wireless Telegraph Rules, 1929, or by a competent authority in any other part of the British Commonwealth and Empire entitling the holder to be employed as a radiotelegraph or radiotelephone operator;"

2. For rule 4 the following rule shall be substituted, namely;—

"4. Right to Work Transmitting Apparatus—Except with the general or special permission in writing of the Central Government or as provided in the Convention or these rules, no person shall work the transmitting apparatus of a wireless telegraph licensed under the Indian Telegraph Act, 1885, unless—

(*a*) he is a citizen of India, and

(*b*) he holds a Certificate of Competency of the class specified in the licence."

3. In rules 8, 10, 11, 13, 14, 22 and 23 for the words "Telegraph Authority' wherever they occur the words "Central Government" shall be substituted.

4. In rule 12 for the words "Telegraph Authority", occurring for the first time, the words "Central Government" shall be substituted.

5. In rule 16 for the words "Telegraph Authority" wherever they occur the words "Central Government or any officer appointed by that Government in this behalf" shall be substituted.

6. In rule 17 the words "by means of Indian postage stamps affixed to the application" shall be omitted.

7. In rule 18 for the words "Telegraph Authority", the words "Central Government or any officer appointed by that Government in this behalf" shall be substituted.

8. In rule 20—

(a) sub rules (3) and (4) shall be omitted;

(b) in sub-rule (5) for the words "Telegraph Authority", the words "Central Government or any officer appointed by that Government in this behalf" shall be substituted.

9. In the First Schedule—

(a) for the words "Posts and Telegraphs" occurring immediately below the words "Government of India" throughout the Schedule the words "Ministry of Communications" shall be substituted;

(b) for the words "ISSUED BY THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS" wherever they occur the words "ISSUED BY THE GOVERNMENT OF INDIA" shall be substituted;

(c) the words "Director General of Posts and Telegraphs" occurring immediately below the words "Signature" throughout the Schedule shall be omitted.

10. In the Second Schedule—

(a) the words "Indian postage stamps for fee to be affixed here", shall be omitted:

(b) for the form of declaration occurring towards the close of the application form the following form of declaration shall be substituted, namely:—
"I declare that I am a citizen of India".

[No. 2436-OC/52.]

K. V. VENKATACHALAM, Dy. Secy

NOTIFICATION. 759

No. L.D. 1407—Legis. 5-52-91, dated Bangalore, 27th November 1952.

Ordered that Notifications Nos. S.O.R. 1885, 1886, 1887, 1888, 1889, 1890 and 1891, dated the 4th November 1952, of the Ministry of Works, Housing and Supply, amending the Indian Boiler Regulations, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 15th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, HOUSING AND SUPPLY.

(Central Boilers Board)

New Delhi, the 4th November 1952.

S.R.O. 1885.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

After clause (*b*) of regulation 348 of the said Regulations, the following clause shall be inserted, namely :—

"(*c*) Cold drawn pipes shall be carefully annealed throughout their length after the operation of drawing."

[No. M/BL-304(71)/51.]

S.R.O. 1886.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

In sub-clause (*a*) of regulation 36 of the said Regulations, for the figures "0·045" and "0·04", the figures "0·05" shall be substituted in both places.

[No. M/BL-304(72)/51]

S.R.O. 1887.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

In clause (*a*) of regulation 392 of the said Regulations, for the word "Extensive", the word "Major" shall be substituted.

[No. M/BL-304(1)/52]

S.R.O. 1888.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

In the said Regulations—

1. In regulation 5 after clause (iii), the following clause shall be inserted, namely :—

"(iv) when the material and the make of steam pipes have not been supported by certificates from the manufacturers or apporved Test House, the pipes shall be treated as wrought iron lap-welded pipes and they shall be presented for a hydraulic test before erection *in situ*".

2. In clause (*c*) of regulation 381, for the words "and may issue a provisional order under section 9 of the Act in Form V" the sentence "a provisional order under Section 9 of the Act in Form V may be issued after the hydraulic test" shall be substituted.

[No. M/BL-304(12)/52]

S.R.O. 1889.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

Regulation 165 of the said Regulations shall be lettered as clause (*a*) of regulation 165 and in clause (*a*) as so lettered after the words "The thickness of the" the word "forged" shall be inserted : and

after the said clause as so lettered the following clause shall be inserted in regulation 156, namely :—

"(*b*) The thickness of Stand Pipes and Branches secured to drums and headers by expanding, screwing or welding shall be not less than that given in table below:—

Minimum Body Thicknesses of Standpipes and Branches Secured by expanding, screwing or welding.

Nominal bore of standpipes and branches	Thickness of shell	Minimum body thickness*
in.	in.	in.
Up to and including 1·1/2 ...	1/2 and over	1/4
Over 1·1/2 up to and including 3 1/2...	5/8 and over	5/16
Over 2·1/2 up to and including 4·1/2...	7/8 and over	7/16
Over 4·1/2 up to and including 8 ...	1 and over	1/2
Over 8 up to and including 10 ...	1·1/4 and over	5/8

*For thinner shells than given above, minimum body thickness not less than one-half the thickness of the shell".

[No. M/BL-304(8)/52]

S.R.O. 1890.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

In regulation 268 of the said Regulations, the following paragraph shall be added, at the end, namely :—

"In the case of drums of 'Composite' construction, *viz.*, part riveted and part welded seams, the test pressure shall be the same as that prescribed for riveted construction, *i.e.*, 1½ times the working pressure (Plus) 50 lbs. per square inch".

[No. M/BL-304(9)/52]

S.R.O. 1891.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

For regulation 4 of the said Regulations the following regulation shall be substituted, namely :—

"*Standard Requirements*

"(4). (*a*) *Material.*—All plates, rivets and bars used in the construction of boilers shall be tested and found to conform with the Regulations hereinafter contained.

(*b*) *Construction.*—All boilers during construction shall be under the supervision of an Inspecting Officer.

(*c*) *Certificates, etc., under section* 14 (1) (*c*) *of the Act.*—In advance of or along with an application for registration of a boiler the following certificates and drawings or specifications shall be furnished to the Chief Inspector, namely :—

(i) *A certificate in form II.*—From an Inspecting Authority certifying that the material was tested and the boiler was built under their supervision. Together with such certificate the Inspecting Authority may furnish a Memorandum of Inspection Book in Form I, prepared in the manner prescribed by Regulation 386 in respect of the Inspection of the boiler during construction and the hydraulic test applied on completion.

(ii) *A certificate in form III* of manufacture and test signed by the maker or by a responsible representative of the maker of the boiler containing a description of the boiler, its principal dimensions, particulars of the kind of material used in its construction, the thickness of all plates, the diameter of and method of forming the rivet holes in the shell plates, particulars of any departure from ordinary practice in making the shell such as solid rolling or welding, the hydraulic test to which the boiler was subjected, the intended working pressure, the area of heating surface, the maximum continuous evaporative capacity, the year and place of make, and the works number of the boiler.

(iii) *A drawing or print* to a scale, in the case of large boilers of not less than ¾ inch to the foot and, in the case of small boilers of not less than 1½ inches to the foot, showing the principal dimensions and a longitudinal section and end view of the boiler, and bearing the works number of the boiler and the maker's office stamp. The drawing shall show details of riveting of longitudinal and circumferential seams which pitch of rivets, cross spacing of rivet rows and diameters of rivet holes; the radio of curvature of dished end plates fillets of flanges and corners of bent plates,

and where gusset stays are fitted the number and diameter of rivet holes in each gusset stay.

In the case of water tube boilers, the foregoing scales shall apply to the main boiler drums only, but in addition a general arrangement drawing of the boiler to a scale of not less than ¼ inch to the foot shall be provided.

(iv) *A certificate in form IV* from the steel maker and a certificate from the maker of the plates, rivets or bars, of the nature referred to in Regulations, 26 and 27, respectively. The certificate from the maker of the plates, rivets or bars, shall show the charge numbers, the plate or bar numbers and the number and dimensions of the various plates etc., tested their chemical analysis, their ultimate tensile breaking strength in tons per square inch of section the percentage of elongation and the length on which measured, the number, kind and result of bend or other tests made and the date of tests.

Provided that where an Inspecting Authority furnished a certificate in Form II together with a Memorandum of Inspection Book in Form I in accordance with sub-regulation (c) (i) the certificates prescribed, under clauses (ii) and (iv) need not be furnished to the Chief Inspector when application is made for registration of the boiler. But should any question arise in respect of the fitness of the boilers for the working pressure approved by the Inspecting Authority within a period of three years from the date of their registration, the owner shall if requested by the Chief Inspector obtain and furnish the original documents specified in the said clauses.

In the case of steel made and tested by well-known makers in India or other countries, the certificate of the makers in Form IV as prescribed in Regulation 26 may be accepted in lieu of a certificate from an Inspecting Authority in so far as it relates to testing of steel as specified in Form II.

The Central Boilers Board shall decide whether, for the purposes of this Regulation, the maker is well-known or not*.

(v) In the case of fusion welded and seamless forged drums a certificate from the manufacturer furnishing the results of tests specified in Chapter V in regard to chemical analysis and tensile, bend, izod impact tests.

In the case of fusion welded drums the diagram of welded repairs and temperature charts of heat-treatment shall also be furnished.

NOTE.—For the list of well-known steel makers recognised by the Central Boilers Board see Appendix G.

(8) *Maker's Stamp.*—The boiler shall have stamped upon its front plate in a conspicuous position the following particulars:—

MAKER'S NAME.

Work's Number..... Year of make.....
Tested to.....Lbs..... On.....
W.P.....Lbs.....

Inspecting officer's or
Inspecting Authority's Official stamp

NOTE.—Consequential changes will be made in Forms II, III and IV as per details given below:—

(i) in Form II substitute: Regulation 4 (c) (i) for Regulation 4 (c).
(ii) In Form III substitute: Regulation 4 (c) (ii) for Regulation 4 (c) (d).
(iii) Form IV shall be replaced with the Form IV enclosed herewith.

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FORM IV.

Steel maker's certificate of manufacture and results of Tests.

Regulation 4 (c) (iv).

Designation of Rolling Mill————————

We hereby certify that the material described below has been made.....by the.....electric/open hearth, acid/basic process and rolled by us and has been satisfactorily tested in the presence of your Inspecting Officer, or Test House Manager, in accordance with the Standard tests.

Date of tests 19 . Signature or Initials.

Ordered by———————— Test House Manager.

Date.....

Order.....Number.

Boiler.....Number.

RESULTS OF TESTS.

Charge Number	Brand and Number.	Part of Boiler	Size of plate and bar			Number of pieces	Tensil breaking strength in tons per sq. inch.	Elongation in inches per cent.	Bend tests	Remarks
			Length	Breadth	Thickness or diameter in 32-nds inch					
			Ft. In.	Ft. In.						

Chemical analysis .....

(e) *Certificate for steam pipes.*—A certificate of manufacture and test signed by the maker or a responsible representative of the maker of the steam pipes containing particulars and results of tests of materials used in the manufacture and the make and the hydraulic test of all steam pipes supplied."

[No. M/BL-304 (65)/51.]

A. K. SEN, Secy.
Central Boilers Board.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. C. 1116—Co. 22-52-14, dated Bangalore, 29th November 1952.

In pursuance of clause 5 of the Cement Rationing and Licensing Order, 1948 and in supersession of Notification No. C. 311—Co. 22-52-4, dated the 21st June 1952, His Highness the Maharaja is pleased to fix, with effect from the 1st December 1952 and to be in force till the end of March 1953, the prices of all brands of cement as noted below and to direct that notice of the price fixation be given by publication of the same in the official Gazette and by issue of a Press Note :—

1. For deliveries to stations in the Mysore State on the broad gauge upto and inclusive of Bangalore City and to all stations on the narrow gauge between Bangalore City and Bangarpet and for deliveries to the Civil Station, Bangalore. 2. For deliveries to stations elsewhere in the Mysore State.	For packed cement Rs. 71 *plus* actual cost of packing subject to maximum of Rs. 14-11-0 per ton for destination in full wagon loads and Rs. 71 per ton loose in full wagon loads f.o.r. any railway station.

3. Retail prices shall not exceed the maximum f.o.r. any Railway Station prices by more than the amount it would be permissible for the seller to charge under the normal practice authorised heretofore by the Cement Marketing Company of India on such an f.o.r. price. In charging such a price, the seller shall take into consideration the expenditure of items such as cost of unloading of wagon, cartage from stations to godown, stocking in godown, godown rents, wastage and profit margin of the seller:

4. Provided that wagon load as well as retail prices mentioned above shall be for supplies ex-nearest works. In the case of sale of wagon loads as well as retail sale, the sellers may in addition to such price, charge extra for proportionate freight difference, if supplies were actually made from a more distant works;

5. Provided further that all such supplies into Mysore State from works other than the nearest works shall be made by the Cement Marketing Company of India, on the specific authorisation of the Controller of Civil Supplies in Mysore;

6. Provided also that in case of all sales (wagon loads or small) the seller shall be entitled to charge in addition to the aforesaid wagon loads and retail prices extra for general or special increase in freight after the date of this order for octroi, towns duty, terminal tax, sales tax or any other charge, levy or imposition payable, by the sellers.

By Order and in the name of the Rajpramukh,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

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NOTIFICATION.

No. L. 14113—Ml. 152-52-17, dated Bangalore, 24th November 1952.

In exercise of the powers conferred by Section 46 (1) (h) of the Mysore Town Municipalities Act (Mysore Act XXII of 1951), the Government of Mysore are pleased to make the following Model Rules for the levy and recovery of a water rate under section 61(b)(ix) of the Act for the water supplied by the Town Municipal Councils in the State :—

RULES FOR THE LEVY AND RECOVERY OF WATER TAX IN TOWN MUNICIPALITIES.

1. A water rate at Rs.....(not exceeding the maximum prescribed in Schedule I-F) shall be levied on the rental value of lands and buildings by the Town Municipal Council.

2. The tax will be collected in advance in two half-yearly instalments in the months of April and October of each year, in the same manner and by the same agency as is entrusted with the collection of taxes on buildings and lands within the Municipal area.

3. A receipt shall be given for the tax paid and no refund of the tax paid shall be made under any circumstances unless it is shown as a double payment for the same period.

By Order and in the name of the Rajpramukh,

A. S. KHALEEL,
Secretary to Government,
Local Self-Government Department.

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NOTIFICATION.

No. L. 14232—Ml. 153-52-16, dated Bangalore, 24th November 1952.

In exercise of the powers conferred by Section 46 (1) (h) of the Mysore Town Municipalities Act, 1951 (Mysore Act of XXII of 1951) the Government of Mysore are pleased to make the following Model Rules for the levy and recovery of a lighting tax under Section 61 (b) (x) of the Act by the Town Municipal Councils in the State :—

MODEL RULES FOR THE LEVY AND RECOVERY OF LIGHTING TAX.

1. A lighting tax at a rate of Rs.....(not exceeding the maximum prescribed in Scheduled I-G) shall be levied on the rental value of lands and buildings by the Town Municipal Council.

2. The tax will be collected in advance in two half-yearly instalments in the months of April and October of each year, in the same manner and by the same agency as is entrusted with the collection of taxes on buildings and lands within the Municipal area.

3. A receipt shall be given for the tax paid and no refund of the tax so paid shall be made under any circumstances, unless it is shown as a double payment for the same period.

By Order and in the name of the Rajpramukh,

A. S. KHALEEL,

Secretary to Government,
Local Self-Government Department.

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NOTIFICATION.

No. L. 14386—MI. 152-52-18, dated Bangalore, 24th November 1952.

In exercise of the powers conferred by Section 48 (1) (K) of the Mysore Town Municipalities Act, 1951 (Mysore Act No. XXII of 1951), the Government of Mysore are pleased to make the following MODEL BYE-LAWS.

Mysore Town Municipalities Octroi Bye-Laws.

1. The Octroi limits for the purposes of collecting octroi shall be the Municipal limits.

2. No article liable to octroi shall be brought within the Municipal limits except by one of the high roads and the cross roads specified in the schedule (to be specified by each Municipal Council) or by the railway.

3. (*a*) The octroi posts at which such goods shall be liable to inspection shall be the Ookads on the high roads as well as the cross roads specified in the schedule, the bonded warehouse and the railway station. And every person bringing dutiable goods within the Municipal area shall report the fact at the first of such posts on the route by which they are brought. All officials of the Octroi Department not below the rank of a Mutsaddi are authorised to inspect the contents of any conveyance or package under Section 85 of the Town Municipalities Act, 1931.

(*b*) All persons driving vehicles shall stop them at the Octroi posts when entering the Town Municipal limits (whenever required to do so by the octroi staff) for the purposes of examining and searching articles liable to octroi.

(*c*) Breach of clause (*b*) of this bye-law shall render the offender liable on conviction to a fine not exceeding rupees fifty.

4. A table showing the articles on which octroi is leviable shall be open to the inspection of any person at the Municipal office and copies thereof shall be supplied without any charge to any person requiring the same. Such table shall also be affixed in a conspicuous place at every post or office at which octroi is levied.

GRANT OF LICENSES FOR THE SALE OF CERTAIN ARTICLES.

5. The conditions on or subject to which licenses for sale of articles liable to octroi may be granted shall be as follows :—

OCTROI LICENSE OF WHOLESALE DEALERS.

(1) That the license shall be in force only till the 31st March 19.... and that it shall be shown to any octroi officer when he shall lawfully call for the same.

(2) That due written notice of the despatch of all consignment of..... ..... to the licensee's address and probable date of arrival within Municipal limits be given to the officer in charge of the Town Bonded Warehouses, that these goods be brought within the Municipal limits between the hours of 6 A.M. and 6 P.M. and by any of the public high roads and cross roads described in the schedule or by railway, and that the parties in charge report themselves to the first ookad reached within Municipal limits, a peon from which will accompany the consignment to the Bonded Warehouse and that the importers or persons in charge of the consignment shall be bound to answer truly, all lawful questions put by the Octroi Mutsaddi or the officer in charge of the Town Bonded Warehouse.

(3) That all Octroi articles attempted to be introduced within Municipal limits after 6 P.M. and before 6 A.M. or by any other than the public roads described in the said schedule or by the railway, will be considered as contraband and treated accordingly.

(4) That the article subject to octroi duty mentioned above shall not be introduced into the premises of the licensee or place of business without payment of octroi thereon.

(5) That when by the license the licensee is authorised to vend (goods to be specified by the Municipality) in any form, an account in the accompanying form shall be kept by the licensee of all stock of (goods to be specified by the Municipality) imported and disposed of either by sale within the Town or exported beyond the Municipal limits and that such account shall be open to the inspection of any Octroi officer above the grade of a peon and shall be submitted to the officer in charge of the Bonded Warehouse on the 15th of every month for verification.

(6) That no dutiable articles intended for consumption in the Town of.....shall, under any circumstances, be allowed to be deposited by the licensee in any of the villages immediately beyond Municipal limits.

(7) That the license shall not be transferable by sale, gift, mortgage or otherwise, and that no persons except such as are named herein shall have power to act under it.

(8) That the licensee shall deposit Rs. 100 as security for the due observance of the conditions of the license, the whole or part of it being forfeited as the President may direct for breach of any of the conditions of the license.

Octroi License by Retail Dealers.

6. (1) That the premises of the licensee may be inspected by any octroi officer at any time in the manner prescribed by the bye-laws.

(2) That in respect of all.....in the said premises whether purchased or sold by the licensee the octroi duty shall have been paid and the.....shall have been purchased at the Bonded Warehouse or from a duly licensed wholesale dealer.

(3) That no.....shall be stored or sold in any other place than licensed premises and any.....found in an unlicensed premises is liable to be contraband and dealt with accordingly.

(4) That the license shall be in force only for 12 months namely from 1st April 19.... to 31st March 19.... and that it shall be exhibited to any octroi officer when he shall lawfully call for the same.

(5) That the license shall not be transferred by sale gifts, mortgage or otherwise and that no persons except such as are named in the license shall have the power to act under it.

(6) The licensee shall within fifteen days from the date of issue of the license to have a sign-board put up in a conspicuous part of the premises occupied by him with the following inscription legibly painted thereon in Kannada and English :—

Number of license.....

Name.....

License to sell.....

(7) That the licensee shall deposit Rs. 10 as security for the due observance of the conditions of the license, the whole or part of it being forfeited as the President may direct for the breach of any of the conditions of the license.

(8) That the license shall be liable to suspension or forfeiture for breach of any of the conditions of the octroi bye-laws.

REFUNDS.

7. On all articles on which octroi duty has been paid and which are subsequently exported by the original importer himself beyond the Municipal limits without breaking bulk refunds shall, subject to the following rules, be granted at the rates originally charged at the time of import :—

(i) on timber imported and re-exported in log within six months from the date on which octroi was levied ;

(ii) on piece-goods within three months from the date on which octroi was levied ;

(iii) all other articles within one month from the date on which octroi was levied :

Provided that no refund shall be granted of any sum less than one rupee.

8. Any person claiming refund under the above bye-laws shall produce the goods to be exported at the Central Octroi Office together with the original receipt for octroi duty paid thereon and an application for refund prepared in triplicate in the form annexed to these bye-laws. He shall fill up columns 1 to 10 of the application signing and dating the same, before he presents at the Octroi Office, he shall also produce for record in the office a certified copy of the invoice as per which duty was paid on the article at the time of its import.

9. Any person who has been exempted under Rule 6 of the Octroi Rules from production of goods at the Octroi Office on import shall, subject to the same conditions, be exempted from the production of goods to be exported.

10. The officer in charge of the Octroi Office on being satisfied as to the identity of the goods produced with those for which receipt has been granted or the validity of the claim, shall fill up columns 11 to 15 and the coupon and hand over the form to the exporter along with a certificate in the Form annexed.

11. All goods exported under such pass and also all goods exported under free export pass under Rule No. 13 of the Octroi Rules shall be produced by the exporter at the octroi post of exit.

12. The octroi subordinate in charge of the post of exit shall satisfy himself that the goods produced as being covered by the pass correspond with the entries in the pass presented with them.

13. If the goods are being exported otherwise than by rail and if the consignment appears to be duly covered by the pass, he shall retain the coupon after due endorsement of the particulars specified

on the reverse of the form. Otherwise he shall retain the pass and shall report the circumstances forthwith for the orders of his immediate superior. If the goods are under a free export pass, and do not appear to agree with the particulars given therein, they shall be detained until the orders of his superior, are received.

14. If the goods are for export by rail, the octroi subordinate in charge of the station of exit shall retain the pass pending production of a railway receipt for the goods covered by the pass. Upon production of the railway receipt, if after due enquiry the said octroi subordinate is satisfied that the goods produced are covered by the pass and also by the railway receipt in question, he will then endorse on the reverse of the form and also on the coupon, the number and date of the railway receipt and will return the form retaining the coupon subject to the disposal in the prescribed course of business.

15. In all cases in which refunds are claimed the triplicate pass duly endorsed, as provided by bye-laws 13 and 14 respectively must be produced at the Central Octroi Office by the person keeping the refund and if after due check the officer in charge is satisfied that a refund of octroi covered by such passes is duly payable, he shall forthwith pay the same to the person presenting the triplicate pass.

16. Every Importer of dutiable articles, shall, if called upon by a requisition in writing signed by the President within three months of such import, account for the articles received by him by producing either a permit obtained in token of payment of octroi duty or any export pass in proof of having exported the whole or part of the articles so received or otherwise.

17. Any person importing or exporting dutiable articles who infringes the above bye-laws shall be liable to a fine not exceeding 50 rupees.

Municipality of.....

Form of application for refund of octroi on goods exported from the Municipality.

Description of goods	To be filled up by the Exporter									To be filled up by verifying officer					Coupon
	Quantity, Number and value	Name of exporter with address in full	Name of person presenting this application with address in full	Place to which goods are exported	Name of the consignee with address in full	Name of Ookad at which the goods are exported	Date and hour at which goods are to be exported	Means of conveyance	Particulars of packages, *e.g.*, No. of bags, baskets, etc.	Deduction to be made from the quantity, number or value of goods	Why deducted	Net quantity, value or number	Rate of octroi	Amount of refund	Application No.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

I intend exporting the goods mentioned above from this Municipality. Please refund the duty thereon to..... who is my authorised agent.

Signature of exporter or his authorised representative.

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Endorsement by verifying officer:

I have, as far as possible, examined the goods mentioned in this application and made entries in columns 11 to 15.

I have this day..... at..... a.m./p.m. satisfied myself that they agree with the details of the application.

Signature of verifying officer.

ENDORSEMENT BY THE MUTSADDI AT THE OOKAD OF EXPORT.

I certify that the goods numbering/weighing.....mentioned in this application passed out of the Municipal limits in my presence on.....at.....

Signature of Mutsaddi at Export Ookad.

(Counterfoil).

(Counterfoil) Certified that the goods mentioned in this application have actually passed out of Municipal limits in my presence on.....at.....

Signature of Mutsaddi at Export Ookad.

REPORT OF REFUND CLERK.

Checked and agreed with the Refund Ledger (the Exporter has produced Railway Receipt No.....in proof of export).

Signature of Refund Clerk.

ORDER OF DISBURSING OFFICER.

Pay Rs. a. p.

Date..... *Signature.*

PAYEE'S ACKNOWLEDGMENT.

I acknowledge receipt of the amount entered in the payment order, namely, Rs. a. p.

Dated..... *Signature of payee.*

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Local Self-Government Department.

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NOTIFICATION.

No. L. 14388—Ml. 152-52-19, Bangalore, dated 24th November 1952.

In exercise of the powers conferred by Section 46 (1) (h) of the Mysore Town Municipalities Act, 1951 (Mysore Act No. XXII of 1951), the Government of Mysore are pleased to make the following *Model Rules* for the levy and recovery of Octroi under Section 61 (b) (iv) of the said Act.

MYSORE TOWN MUNICIPALITIES OCTROI RULES.

Octroi shall be levied in respect of animals or goods or both specified in the schedule to these rules at the rates noted against each (the items of the schedule and the rates to be specified by the Municipal Council concerned).

2. The Octroi shall be paid at the time of import of the animals or the goods to the Octroi Mutsaddi in-charge of the octroi Ookad. In case of disagreement was to the amount of octroi duty payable by the Importer of goods imported within the octroi limits the Mutsaddi in-charge of the Ookad shall cause the importer to take the goods before the President or Vice-President or the Executive Officer, for the settlement of the duty to be paid.

3. When the goods have been examined at the octroi Ookads, a pass in duplicate for such of the goods as are liable to octroi duty shall be furnished to the Importer by the Octroi Mutsaddi. On receiving such pass, the importer shall forthwith bring the taxable goods to the Central Octroi Office accompanied by a peon ; provided that, if the duty to which the goods are liable does not exceed five rupees the Octroi Mutsaddi, may receive such duty and give to the importer a permit showing the nature and quantity of the goods and the duty received; provided also that in the case of goods imported by railway, the Inspector or other officer-in-charge of the Octroi post at the Railway Station may, in the same manner, receive duty not exceeding five rupees.

4. When goods accompanied by a pass as aforesaid are brought to the Central Office, they may be unloaded and weighed or counted by the officer in charge of the Octroi Office. Upon ascertainment of the amount of octroi payable on the goods the importer shall either pay the amount due and receive permit for the removal of the goods or shall deposit the same in the Octroi Office. When the duty is paid as above, a permit shall be granted by the officer in charge of the Central Octroi Office for the removal of the goods showing the quantity of weight of the goods, the duty paid in respect thereof and

the date of payment. The fact of the receipt shall also be noted on each copy of the duplicate pass, one copy of which shall be filed in the office and one copy returned to the octroi post from which it was received. In case the importer wishes to re-export the goods at once, he shall do so only after obtaining a free export pass subjecting the goods to the escort of an octroi subordinate.

5. With a view to facilitating the appraisement of the value of goods when the tax is assessed on value, the importer may be called upon to produce the invoice of the goods for the inspection of the officer in charge of the Central Octroi Office. Whenever the invoice produced by an Importer is in a language other than English or Kannada, he shall produce a true copy of such invoice translated into English or Kannada and verified by the importer.

In case the importer does not produce an invoice he shall give a declaration in writing regarding the quantity, number, weight, value, etc., of the article, for clearance of octroi duty. Should the importer fail or refuse to produce the invoice or if the invoice or the declaration produced appears to the officer in charge of the Central Octroi Office to be false or unduly low, the value of the goods shall be assessed by the officer in charge of the Central Octroi Office at current rates and octroi levied accordingly.

Explanation :—When the appraisement of the value of goods is made on the basis of the invoice, the value shall include all expenses such as packing charges, freight charges, cart hire, etc., less trade discount shown in the invoice.

6. With the previous approval of the President, in each case, any carrying agent through whom goods are imported on behalf of persons resident within the municipality or any wholesale importer may, on depositing as security such amount not being less than Rs. 250 as may be fixed by the President, be exempted from producing the goods imported by him, or through his agency for inspection at the Central Octroi Office provided that he makes arrangements satisfactory to the President for the supply to the Municipal Council of correct and detailed lists of all such goods with the names of the consignees in each case. Every such agent shall be responsible to the extent of his deposit for the payment of octroi on all goods which may have left his premises without octroi having been paid :

Provided that the President may at any time cancel such exemption by giving notice in writing to such agent or importer and return to him the amount of his deposit or such portion thereof, as may remain to his credit or may in any case require such agent or importer to produce any such goods for inspection at the Central Octroi Office.

Every deposit holder under this bye-law shall submit on or before the 3rd of every month the stock accounts of the previous month for verification of the dutiable articles.

DEPOSIT ROOM—CENTRAL OCTROI OFFICE (BONDED WAREHOUSE)

7. The Municipal Council shall provide a Bonded Warehouse in the Central Octroi Office for the custody of goods which may be deposited under Rule 3 of the Octroi Rules.

8. The Bonded Warehouse shall be open for the transaction of business from 11 A.M. to 5 P.M. daily except on Sundays and Holidays authorised by the President. Arrangements shall however be made by the officer in charge of the Octroi Office for dealing with perishable articles such as betel leaves on such days.

9. Any importer depositing goods in the Bonded Warehouse shall, unless the officer in-charge of the Octroi Office has previously by weighing, counting or appraising ascertained the amount of octroi payable thereon, give a declaration in the form appended (Schedule No. 2) of the description, weight, quantity and if necessary of the value of the goods.

10. A receipt in the form appended (Schedule No. 3) shall be given by the officer in charge of the Central Octroi Office for all the goods deposited in the Bonded Warehouse and a Register of all such goods shall be maintained.

11. The receipt given by the Octroi Department for depositing the goods should be returned before taking delivery of the articles to which it refers, otherwise the officer in charge of the Central Octroi office may refuse to deliver the articles.

12. If the depositor does not himself take delivery of the article deposited in the Octroi Office, he must endorse on the receipt a request for delivery to the person to whom he wishes it to be made and if the receipt is not produced the delivery of the goods may at the discretion of the officer in charge of the Octroi Office be withheld until the person entitled in his opinion to receive the same has given an indemnity to the satisfaction of the Officer in charge of the Octroi Office.

13. Any person who has deposited goods in the bonded Warehouse may break bulk or change the packing thereof on application to the Officer in charge of the warehouse or may, on paying full duty thereon, import such goods into the Municipal limits covered by a permit or may export such goods immediately after the receipt into the Octroi Office free covered by an Export Pass subject to the escort of an Octroi subordinate; provided that new packages covered

by such pass shall, if possible, before they are taken from the warehouse be stamped by the Officer in charge, so as to show that they are under deposit.

The Export pass shall be in triplicate, the original being retained by the Officer in charge of the Warehouse, and the duplicate and triplicate delivered to the exporter.

14. No goods shall be allowed to leave the warehouse until storage fee has been paid thereon under the following rules:—

(*a*) Goods shall be allowed to remain 24 hours free of charge counted from sunrise to sunrise.

(*b*) After that period single rates as in the following table shall be charged for seven days or portion thereof.

* * *

(Table to be inserted by the Municipal Council concerned).

* * *

(*c*) Double these rates shall be charged after seven days, provided that the President, may, in his discretion, allow a reduction in, or exemption from, such double rates.

(*d*) The date of admission and removal of goods shall reckon as one day and Sundays and closed holidays shall not be taken into account in reckoning the date from which fees under each class shall be payable. When delay is caused by the inability of the Officer in charge of the deposit room to examine and pass the goods, such delay shall not be reckoned.

15. The President may permit any wholesale dealer to occupy a room in the Bonded warehouse for the storing of dutiable articles intended for sale to retail dealers in the Municipality and may make such rules regarding the occupation of such rooms as may from time to time be found necessary.

16. When goods stored by the wholesale dealer in the Bonded warehouse under the above rule are issued on payment of duty, such allowance may be made on the original weight on account of reduction of weight owing to driage or wastage as may from time to time be fixed by the President.

17. All perishable commodities remaining uncleared or unclaimed after 48 hours shall be sold by public auction to the highest bidder at the warehouse. All other goods remaining uncleared or unclaimed for a longer period than three months shall be sold in like manner, provided that, before selling such goods notice of that fact shall be posted for seven days at the Bonded Warehouse and at the Municipal Office and provided that goods shall be sold earlier when the storage fees are likely to exceed their value.

18. When any goods are sold under Rule 17 of the Octroi rules the sale proceeds shall be credited to the Municipal Funds, in payment, of duty and storage fees due in respect thereof, provided that if the amount realised by the sale exceeds the amount so due, the balance shall be kept in deposit for one year and any claims, for such balance received during that time shall be duly considered by the President. At the expiry of one year, or after all claims received during that period have been duly disposed off, the balance shall be credited to the Municipal Funds. No claims shall be admitted after the said period of one year, except by special permission of the Council.

19. The Municipal Council shall not be responsible for any damage that may be caused to goods deposited in the deposit room while such goods are being passed into or out of the deposit room or while they remain therein unless such damage is proved to have been caused by the wilful neglect of the deposit room keeper or other person charged with the safe custody of the goods.

20. Any person may, with the sanction of the President be permitted to use any place as of Bonded Warehouse on payment of the cost of such establishment and subject to such conditions, as may, in each case, be fixed by the President.

21. *Exemptions*:—In the following cases no octroi shall be levied:—

* * *

(Here cases to be specified by the concerned Municipality).

* * *

22. A receipt in the prescribed form shall be given for payments made.

(Here enter the schedule—the rates and items shall be specified by the Municipal Council concerned).

SCHEDULE.

.....

.....

.....

.....

SCHEDULE No. II.

The Officer-in-charge of the Octroi Office, Town Municipality of.
Please receive the undermentioned goods and deposit them in the Koti.

Name of depositor	Description of articles deposited	No. of packages	Distinguishing marks, if any	Weight		Measurement		Quantity	Value	Remarks
				Mds.	Srs.	Cft.	C.In.			

I do hereby certify that I have satisfied myself that the entries as made by me above are correct and that I am fully aware of the provisions of Rules Nos. 10 to 14, 16, 17 and 18 relating to the deposit.

Witness :—

Signature.....

Date.....

Signature of Depositor.

Address :—

Date.....

SCHEDULE No. III.

Octroi Office or Bonded Warehouse.....Town Municipality.
Received for deposit the undermentioned goods from.....

Receipt No.	Consignment number and date	Goods despatch note number	Name and description of article	Number of articles	Remarks

Octroi Clerk.

Officer in charge of Octroi Office or Bonded/Warehouse.

By Order and in the name of Rajpramukh,

A. S. KHALEEL,

Secretary to Government,
Local Self-Government Department.

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NOTIFICATION.

No. T. 2816 -R T. 56-52-2, dated Bangalore, 22nd November 1952.

ERRATUM.

For " MY 6094 X " appearing in Notification No. T. 1775—R. T. 217-51-9, dated the 18th August 1952, published in Part IV, Section 2-C, at page 368 of the *Mysore Gazette*, dated 28th August 1952, *read* " MY 6094 Z ".

By Order of His Highness the Maharaja,

R. J. REGO,

Secretary to Government,
Development Department.

NOTIFICATION. 792

(HOME DEPARTMENT).

No. H.B. 7329—Pris. 42-52-2, dated Bangalore, 25—28th November 1952.

In exercise of the powers conferred by Section 61 of the Mysore Prisons Act, 1943 (Mysore Act XLIV of 1943), the Government of Mysore is pleased to make the following further amendments to the Rules under the said Act contained in the Mysore Jail Manual.

In the said Rules after Rule 408, the following rule shall be inserted, namely :—

"408 A :—On the application of the prisoner who desires to swear to an affidavit or to make an affirmation for being presented to a Court of Law, the Superintendent may, if satisfied that the request is *bona fide*, arrange to take the prisoner under escort before a Magistrate or other person authorised to administer oaths under the Indian Oaths Act, 1873 (Central Act X of 1873), for swearing to the affidavit or to make the affirmation as the case may be :

Provided that nothing in this rule shall be applicable to prisoners sentenced to death."

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 4661—L.W. 277-52-2, dated Bangalore, 28th November 1952.

In exercise of the powers conferred by Section 42 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), the Government of Mysore are pleased to appoint the Assistant Commissioner of Labour, Shimoga Division, to be *Ex-officio* Inspector for the purposes of the said Act within the local limits of Davangere City.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. 4963—Cts. 201-52-6, dated Bangalore, 29th November 1952.

In exercise of the powers conferred by sub-section (1) of Section 4 of the Evacuee Interest (Separation), Act, 1951 (Central Act LXIV of 1951), and with the approval of the Central Government and in supersession of Government Notification No. 6164—Cts. 164-51-10, dated 25th March 1952, the Government of Mysore are pleased to appoint Sri G. Chennaraya Reddy, B.A., LL.B., Subordinate Judge, Civil Station, Bangalore, as "Competent Officer" for the purpose of performing the functions assigned to him by or under the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), in addition to his duties as Subordinate Judge, Civil Station, Bangalore.

As "Competent Officer" under the above Act Sri G. Chennaraya Reddy will exercise jurisdiction throughout the State of Mysore.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. S.D. 5629—R 62-52-2, dated Bangalore, 25th November 1952.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) read with the Government of India's (Ministry of Food) Notification No. S.R.O. 703, dated the 4th October 1950 as amended by Notification No. CG. 603 (3) XXI (1), dated 21st July 1951 and with the concurrence of the Government of India, the Government of Mysore are pleased to direct that the following further amendment shall be made in the Mysore Rationing Order (Food), Order No. 2, issued under Notification No. S.D. 2182/C. 94-43, dated the 1st October 1943, as amended from time to time, namely :—

For clause 2, the following clause shall be substituted, namely :—

"The State Government may appoint Rationing Officers with defined local jurisdiction. The Rationing Officer appointed for the area included within the limits of the Corporation of the City of Bangalore, shall be subordinate to the Director of Food Supplies in Mysore, and the Rationing Officers of other areas shall be subordinate to the Deputy Commissioners of the respective Districts."

By Order and in the name of the Rajpramukh,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

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The Mysore Gazette

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Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

BANGALORE, THURSDAY, DECEMBER 11, 1952

NOTICE.

The undermentioned *Mysore Gazettes* Extraordinary were published during the week ending 1st December 1952 :—

Sl. No.	No. and date	Issued by	Subject in brief
1	MY/52-1 Eln. III (1).	Election Commission, India.	Resignation—Legislative Assembly Seat, Bangarpet.
2	MY/52-1—52-1 Elen. III (2).	Do ...	Legislative Assembly Seat—Appoints dates for Election.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L. D. 1430—Legis. 3-52-14, Bangalore, dated 5th December 1952.

Ordered that the influx from Pakistan (Control) Repealing Bill, 1952, the Indian Lighthouse (Amendment) Bill, 1952, the Rehabilitation, Finance Administration (Amendment) Bill, 1952, the Telegraph Wires (Unlawful Possession) (Amendment) Bill, 1952 and the Iron and Steel Companies Amalgamation Bill, 1952, which were introduced in the House of the People on 14th November 1952 and published in the *Gazette of India*, Part II, Section 2, dated the 22nd November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOUSE OF THE PEOPLE

The following Bills were introduced in the House of the People on 14th November, 1952 :—

BILL NO. 109 OF 1952

A Bill to provide for the repeal of the Influx from Pakistan (Control) Act, 1949.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Influx from Pakistan (Control) Repealing Act, 1952.

2. Repeal of Act XXIII of 1949 and Ordinance VII of 1952.—The Influx from Pakistan (Control) Act, 1949, and the Influx from Pakistan (Control) Repealing Ordinance, 1952, are hereby repealed.

3. Savings.—(*1*) The repeal of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), shall not affect the continuance in force, according to its tenor, of

any permit which is intended to continue in force, beyond the 15th day of October 1952, and any person who commits a breach of any of the conditions of the permit or against whom a reasonable suspicion exists that he has committed such breach, may be prosecuted, punished or proceeded against under section 5 or section 7 of the Act hereby repealed as if the said section had continued in force.

(2) For the removal of doubts it is hereby declared that the provisions contained in sub-section (1) shall be without prejudice to the general application of section 6 of the General Clauses Act, 1897 (X of 1897).

STATEMENT OF OBJECTS AND REASONS.

The admission into, and regulation of movements in, India of persons from Pakistan, has hitherto been regulated by a system of permits granted under the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949). It was, however, agreed with the Government of Pakistan that with effect from a prescribed date, the permit system should be replaced by a system of passports. Accordingly, the Influx from Pakistan (Control) Repealing Ordinance, 1952 (VII of 1952), was promulgated to repeal the Influx from Pakistan (Control) Act, 1949. The repeal of the Act was effective from 15th October, 1952, and with effect from the same date traffic between the two countries is being regulated by a passport system.

2. This Bill seeks to convert the provisions of the Influx from Pakistan (Control) Repealing Ordinance, 1952 (VII of 1952) into an Act.

AJIT PRASAD JAIN.

NEW DELHI;

The 6th November, 1952.

BILL NO 110 OF 1952

A Bill further to amend the Indian Lighthouse Act, 1927

BE it enacted by Parliament as follows :—

1. Short Title.—This Act may be called the Indian Lighthouse (Amendment) Act, 1952.

2. Amendment of section 1, Act XVII of 1927.—In sub-section (2) of section 1 of the Indian Lighthouse Act, 1927 (hereinafter referred to as the principal Act) the words and letter 'except Part B States' shall be omitted.

3. Amendment of section 10, Act XVII of 1927.—In sub-section (1) of section 10 of the principal Act, for the words 'two annas' the words 'four annas' shall be substituted.

4. Repeal.—If immediately before the 21st day of January, 1950, there was in force in any Part B State any law corresponding to the principal Act, that law shall, with effect from that date, be deemed to have been repealed, except as respects things done or omitted to be done before that date.

STATEMENT OF OBJECTS AND REASONS

In order to raise funds for improvement and development of lighthouses, the maximum limit of two annas per ton at which light-dues are at present payable is being increased to four annas per ton.

The Indian Lighthouse Act, 1927, was extended to acceding States under section 4 of the Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949. Opportunity is, therefore, being taken to make a formal and consequential amendment in sub-section (2) of section 1 of the Act.

O. V. ALAGESAN.

NEW DELHI;

The 4th November, 1952.

The following Bills were introduced in the House of the People on 15th November, 1952:—

BILL* NO. 114 OF 1952.

A Bill further to amend the Rehabilitation Finance Administration Act, 1948.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Rehabilitation Finance Administration (Amendment) Act, 1952.

2. **Amendment of section 11, Act XII of 1948.**—For sub-section (1) of Section 11 of the Rehabilitation Finance Administration Act, 1948 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely:—

"(1) The Central Government may from time to time advance money to the Administration for its business, the aggregate amount of which,—

(*a*) for the purpose of enabling the Administration to advance loans, shall not, save as hereinafter provided, exceed twelve crores and fifty lakhs of rupees; and

(*b*) for the purpose of enabling the Administration to meet any liability which it may incur in guaranteeing losses in respect of loans advanced by scheduled banks, shall not exceed two crores of rupees:

Provided that the Central Government may, after such date as may be specified by it in this behalf, advance from time to time any sum of money, earmarked for the purpose specified in clause (b), for the purpose specified in clause (*a*), if that sum is not actually advanced for the purpose specified in clause (*b*) and is not, in the opinion of the Central Government, likely to be required for the purpose of such advance, and when any such advance is so made, the limit specified in clause (*a*) shall be increased accordingly."

3. **Substitution of new section for section 12, Act XII of 1948.**—For section 12 of the principal Act, the following section shall be substituted, namely:—

"12. *Business of the Administration.*—The Administration may—

(*a*) subject to the provisions of section 13, advance loans;

*The President has, in pursuance of clause (3) of Article 117 of the Constitution of India, recommended to the House of the People the consideration of the Bill.

(*b*) guarantee, on such terms and conditions as may be agreed upon, losses which a scheduled bank may suffer in respect of any loan advanced by it and approved by the Administration :

Provided that the total amount which may be guaranteed in respect of any scheduled bank and the terms and conditions on which such guarantee may be given shall be subject to the prior approval of the Central Government :

Provided further that the maximum liability of the Administration under such guarantee shall not exceed the amount for the time being available under clause (*b*) of sub-section (1) of section 11 ;

(*c*) do all such acts and things as may be incidental to or consequential upon the performance of its functions under this Act including the running of the Administration."

4. Amendment of Section 13, Act XII of 1948.—In sub-section (4) of section 13 of the principal Act, for the word "ten" the word "fifteen" shall be substituted.

5. Substitution of new Section for Section 16 in Act XII of 1948.—For section 16 of the principal Act, the following section shall be substituted, namely :—

"16. *Accounts and audit.*—(1) The Administration shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Administration shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the administration to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Administration shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Administration.

(4) The accounts of the Administration as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament."

STATEMENT OF OBJECTS AND REASONS

When the Rehabilitation Finance Administration (Amendment) Bill, 1950 came up for consideration, suggestions were made in the House that the existing provision of Rs. 3 crores under clauses (*b*) and (*c*) of section 12 for granting Financial Assistance through the medium of normal banking channels which had not been availed of by the Scheduled Banks should be transferred for the grant of direct loans

by the Administration. The applications for loans still pending with the Administration further suggest that even if the total amount for direct loans by the Administration is thus raised to Rs. 10 crores, it will not be adequate for the purpose. The amending bill therefore seeks to increase this amount to Rs. 12·5 crores. It is also considered that though the re-discounting facilities under clause (*b*) of section 12 may be deleted as they are not likely to be availed of, some Scheduled Banks may now come forward to grant loans, if full loss is guaranteed by the Administration under clause (*c*) of section 12. This clause is being amended accordingly and provision is being made to permit of any portion of Rs. 2 crores provided under the clause being transferred for the purpose of the grant of direct loans by the Administration. It has also been founded that clause (*a*) of section 12 as at present worded does not permit the Administration to utilise moneys recovered from loans for the grant of fresh loans after the maximum limit prescribed therein has been reached. That clause has been amended to remove this anomaly. The Bill also seeks to achieve the following objects :—

(*i*) to diminish the hardship of loanees by extending the period of repayment of loans from 10 to 15 years;

(*ii*) to remove a lacuna in the Act regarding the powers of the Administration to meet the running cost, out of the funds at its disposal; and

(*iii*) to entrust the audit of accounts of the Administration to the Comptroller and Auditor-General of India.

C. D. DESHMUKH.

NEW DELHI;

The 12th November, 1952.

Notes on clauses.

Clause 2.—The total fund to be placed at the disposal of the Administration is being raised from Rs. 10 crores to Rs. 14·5 crores. Out of this, Rs. 12·5 crores will be available for the grant of loans to displaced persons and the balance for the reimbursement of losses to Scheduled Banks in respect of loans advanced by them to displaced persons which are guaranteed by the Administration. Any amount not utilised for the purpose of meeting the losses of Scheduled Banks is allowed to be transferred by Government for the purpose of grant of direct loans by the Administration. No provision is being made for re-discounting facilities to Scheduled Banks as the provision in this behalf contained in clause (*b*) of section 12 of the principal Act has not so far been availed of by any Bank.

Clause 3.—This section has been modified as follows :—

(1) The financial limits at present prescribed for granting direct loans by the Administration are omitted.

(2) It is now being provided that the Administration may guarantee the full loss which a Scheduled Bank may incur in advancing loans to displaced persons.

(3) A new clause (*c*) is added to enable the Administration to incur the cost of running the administration.

Clause 4.—It has been represented that the maximum period of 10 years for repayment of loans at present available is not adequate as it takes a displaced person considerable time to establish his business or industry. The maximum period of repayment is therefore being increased to 15 years.

Clause 5.—The Public Accounts Committee recommended that the Comptroller and Auditor-General of India should be empowered to conduct a test audit of the accounts of the Administration. As the Rehabilitation Finance Administration is wholly financed by Government, it has been decided in consultation with the Comptroller and Auditor-General that he shall undertake full responsibility for the audit of the accounts of the Administration.

BILL No. III OF 1952

A Bill to amend the Telegraph Wires (Unlawful Possession) Act, 1950.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Telegraph Wires (Unlawful Possession) Amendment Act, 1952.

2. Amendment of section 2. Act LXXIV of 1950.—For clause (*b*) of section 2 of the Telegraph Wires (Unlawful Possession) Act, 1950 (hereinafter referred to as the principal Act), the following clause shall be substituted, namely :—

'(*b*) "telegraph wire" means any copper wire the gauge of which, as measured in terms of pounds per mile, is between 147 and 153, or between 196 and 204 or between 294 and 306.'.

3. Insertion of new section 4A in Act LXXIV of 1950.—After section 4 of the principal Act, the following section shall be inserted, namely :—

"4A. *Prohibition of sale or purchase of telegraph wires.*—No person shall, after the commencement of the Telegraph Wires (Unlawful Possession) Amendment Act, 1952, sell or purchase any quantity of telegraph wires except with the permission of such authority as may be prescribed."

4. Amendment of section 5, Act LXXIV of 1950. In section 5 of the principal Act, the words "which the court has reason to believe to be, or to have been, the property of the Posts and Telegraphs Department of the Central Government" shall be omitted.

5. Amendment of section 6, Act LXXIV of 1950.—In section 6 of the principal Act, for the words and figure "fails to comply with the provisions of section 4" the words, figures, and letter "contravenes the provisions of section 4 or section 4A" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Telegraph Wires (Unlawful Possession) Act, 1950 (LXXIV or 1950) was passed to deal with the serious situation caused by large scale thefts of telegraph wires in several parts of India, particularly in Bengal, Bihar, Orissa and Mysore. In order to bring the offenders to book in a court of law, section 5 of the Act placed on a person found in possession of copper wires of the specified gauges used in the Posts and Telegraphs Department, the onus of proving that such possession was lawful. Such a provision was found necessary due to the extreme difficulty in establishing the identity of the stolen property before a court of law. In interpreting this section, the courts have held in one or two instances that before the onus shifts to the accused to prove that he came into possession of the wires lawfully, the

prosecution has to discharge the initial onus of furnishing evidence on which the courts would have reason to believe that the wires were or had been the property of the Posts and Telegraphs Department. Such interpretation has rendered the Act largely ineffective.

2. The object of the present Bill is to amend section 5 of the Act so that the onus of proving that the copper wires were not the property of the Posts and Telegraphs Department will lie on the accused. The opportunity is also taken to amend the definition of the expression 'telegraph wires' and to prohibit future sale or purchase of telegraph wires, except with the permission of a prescribed authority.

NEW DELHI;

The 8th November, 1952. JAGJIVAN RAM.

BILL NO. 112 OF 1952.

A Bill to make special provision, in the interests of the general public and the Union, for the amalgamation of certain companies closely connected with each other in the manufacture and production of iron and steel, and for matters connected therewith or incidental thereto.

WHEREAS for the purpose of securing, in the interests of the general public and the Union, the efficient and economical expansion and working of the iron and steel industry in India, it is essential that the Steel Corporation of Bengal, Limited, and the Indian Iron and Steel Company, Limited, which are engaged in the manufacture and production of iron and steel, should be amalgamated;

AND WHEREAS to give effect to the scheme of the Central Government for the expansion of the iron and steel industry and to make available further resources for such expansion, it is necessary that the said companies should be amalgamated with as little delay as possible;

AND WHEREAS the amalgamation of the said companies is also in pursuance of successive recommendations made by the Tariff Board and the Tariff Commission;

BE it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Iron and Steel Companies Amalgamation Act, 1952.

(2) It shall be deemed to have come into force on the 29th day of October, 1952.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means the 1st day of January, 1953;

(*b*) "the dissolved company" means the Steel Corporation of Bengal, Limited, formed and registered under the Indian Companies Act, 1913 (VII of 1913);

(*c*) "the Iron and Steel Company" means the Indian Iron and Steel Company, Limited, formed and registered under the Indian Companies Act, 1913 (VII of 1913);

(*d*) "prescribed" means prescribed by rules made under this Act.

3. **Amalgamation of certain companies engaged in the iron and steel industry.**—(1) As from the appointed day, the undertaking of the Steel Corporation of Bengal, Limited, shall be transferred to and shall vest in the Iron and Steel Company.

(2) The undertaking of the dissolved company shall be deemed to include all rights, powers, authorities and privileges and all property, movable or immovable, including cash balances, reserves, revenue balances, investments and all other interests and rights in or arising out of such property as may belong to, or be in the possession of, the dissolved company immediately before the appointed day, and all books, accounts and documents relating thereto, and shall also be deemed to include all debts, liabilities and obligations of whatever kind then existing of the dissolved company

4. Special provision for the transfer of certain items of property.—For the purposes of this Act, all the profits of the dissolved company for the year 1952 and the revenue reserves of the dissolved company, when transferred to the Iron and Steel Company under the provisions of this Act, shall be deemed to be respectively the profits of the Iron and Steel Company for the said year and revenue reserves of the said company :

Provided that nothing in this section shall entitle a director or a managing agent of the Iron and Steel Company to any commission or other remuneration in respect of any profits so transferred.

5. Saving of contracts, etc., to which the dissolved company is a party.—Subject to the other provisions contained in this Act, all contracts, deeds, bonds, agreements and other instruments of whatever nature to which the dissolved company is a party, subsisting or having effect immediately before the appointed day, shall be of as full force and effect against or in favour of the Iron and Steel Company, as the case may be, and may be enforced as fully and effectually as if, instead of the dissolved company, the Iron and Steel Company had been a party thereto.

6. Saving of legal proceedings to which the dissolved company is a party.—If, on the appointed day, any suit, appeal or other legal proceeding of whatever nature by or against the dissolved company is pending, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer to the Iron and Steel Company of the undertaking of the dissolved company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Iron and Steel Company, in the same manner and to the same extent as it would or may be continued, prosecuted and enforced by or against the dissolved company if this Act had not been passed.

7. Terms of transfer as respects shareholders in the dissolved company.—(1) As soon as may be after the appointed day, the Iron and Steel Company shall, subject to the rules, if any, made in this behalf, allot to every person registered as a shareholder in the dissolved company immediately before the appointed day,—

(*a*) if he is the holder of preference shares, as many preference shares in the Iron and Steel Company as are equivalent in number and value to the preference shares held by him in the dissolved company immediately before the appointed day, and

(*b*) if he is the holder of ordinary shares, four ordinary shares for rupees ten each in the Iron and Steel Company for every five ordinary shares for rupees ten each held by him in the dissolved company immediately before the appointed day, being the relative values of the two shares as determined by the Tariff Commission established under the Tariff Commission Act, 1951 (L of 1951).

(2) Notwithstanding anything contained in any other law for the time being in force, any report made by the Tariff Commission before the commencement of this

Act respecting the value of ordinary shares in the Iron and Steel Company in relation to the value of ordinary shares in the dissolved company shall be deemed to have been validly made and shall not be called in question in any court.

(3) Every shareholder in the dissolved company to whom a preference share has been allotted under this section shall be entitled—

(*i*) to receive a fixed cumulative preferential dividend at the rate of five *per cent, per annum* as from the 1st day of January, 1953, on the capital for the time being paid up or credited as having been fully paid up thereon without deduction of Indian income-tax paid by the company;

(*ii*) subject to the provisions of clause (*i*), to rank for dividend equally with the holders of preference shares in the Iron and Steel Company immediately before the appointed day, and in priority to all other shareholders in that company;

(*iii*) to be repaid in the winding up of the Iron and Steel Company, the amounts paid up or credited as having been fully paid up thereon, together with any arrears of dividends (whether earned or not), calculated to the date of repayment of capital, equally with the holders of preference shares in the Iron and Steel Company immediately before the appointed day, and in priority to all other shareholders in that company;

(*iv*) to exercise the same voting rights at general meetings of the Iron and Steel Company as are conferred on the holders of preference shares in that company immediately before the appointed day.

(4) The Iron and Steel Company shall cause a notice to be published in the *Gazette of India* and shall also send by post to every person whose name was entered immediately before the appointed day in the register of shareholders in the dissolved company, a notice giving particulars of the terms bereinbefore set out as to the allotment of new shares and the disposal in the prescribed manner of fractional shares and an allotment letter for the new shares which shall also contain a statement of the fractional shares (if any) to which a shareholder would be entitled if fractional shares are to be allotted.

(5) Every shareholder in the dissolved company whose name appears in the register of the dissolved company immediately before the appointed day shall be entitled, on presentation within the prescribed period of the allotment letter and the share certificate in respect of the shares held by him in the dissolved company, to receive in due course share certificates of the Iron and Steel Company in accordance with the provisions of this Act and the rules made thereunder.

(6) Any right specified in sub-section (5) shall, during the period beginning with the appointed day and ending with the day on which the Iron and Steel Company issues fresh share certificates to the shareholders of the dissolved company, be transferable in like manner as the shares in the Iron and Steel Company themselves are transferable, and the transferees of such rights shall be entitled, upon submission of the letter of allotment, the relative share certificate in the dissolved Company and the document of transfer, to share certificates in the same manner and to the same extent as the transferers would have been entitled.

8. Priority as between secured creditors of the dissolved company and secured creditors of the Iron and Steel Company.—Creditors of the dissolved company whose debts are secured by a mortgage, charge or lien on the property of the dissolved company or any part thereof shall, with reference to similar secured creditors of the Iron and Steel Company, have such priority in the repayment of the debts as may be determined by agreement between the Iron and Steel Company and the secured creditors of the dissolved company:

Provided that in the absence of any such agreement the matter shall be referred by the Iron and Steel Company to the determination of such person as may be appointed by the Central Government in this behalf, and the decision of such person shall be final and binding on the Iron and Steel Company and the secured creditors concerned.

9. Provisions with respect to taxation.—(*1*) The Iron and Steel Company shall be taxable in respect of the profits and gains of the business carried on by the dissolved company before the appointed day to the same extent as the dissolved company would have been taxable if this Act had not been passed, and the Iron and Steel Company shall, in its assessment, be entitled to claim all such allowances under sub-section (2) of section 10 of the Indian Income-tax Act, 1922 (XI of 1922) as the dissolved company could have claimed in its assessment if this Act had not been passed.

(*2*) For the purposes of any law relating to taxation on income, the original cost to the Iron and Steel Company of the buildings, machinery, plant or furniture of the dissolved company transferred to it by virtue of this Act shall be deemed to be the written down value thereof, as reduced by the initial depreciation permitted by sub-section (2) of section 10 of the Indian Income-Tax Act, 1922 (XI of 1922), which has been or could have been computed by the dissolved company on the appointed day if this Act had not been passed.

10. Payment of *interim* dividends to shareholders in the dissolved company.—If the profits of the dissolved company warrant such a course, the directors of the dissolved company may, at any time before the appointed day, declare the following dividends as being payable—

(*a*) to the holders of preference shares immediately before the appointed day, a dividend at the rate of five *per cent, per annum* on the amount paid up without deduction of Indian income-tax payable by the dissolved company for the period commencing on the 1st day of June, 1952, and ending with the 31st day of December, 1952;

(*b*) to the holders of ordinary shares whose names appear on the register of the company on the date of such payment, an *interim* dividend not exceeding two and a half *per cent*, on the amount paid up or credited as having been fully paid up thereon without deduction of Indian income-tax payable by the dissolved company for the period commencing on the 1st day of January, 1952, and ending with the 31st day of December, 1952.

11. Provisions respecting existing officers and other servants of the dissolved company.—Every officer or other servant (including within that expression auditors but excluding therefrom directors, managing agents and London Committee members) employed immediately before the appointed day in the dissolved company shall, as from the appointed day, become an officer or other servant, as the case may be, of the Iron and Steel Company and shall hold his office or service therein by the same tenure and upon the same terms and conditions and with the same rights and privileges as to pension or gratuity as he would have held the same under the dissolved company if this Act had not been passed, and shall continue to do so unless and until he is duly removed from his employment in the Iron and Steel Company or until his terms and conditions of employment are duly altered by that Company.

12. Position of directors of the dissolved company.—Every director of the dissolved company holding office as such immediately before the appointed day shall become, as from the appointed day, a director of the Iron and Steel Company, in addition to the other directors of the Iron and Steel Company holding office as

such before the appointed day, and shall, subject to the provisions of the articles of association of the Iron and Steel Company, hold his office and act in all respects as if he had been duly appointed under the said articles.

13. Dissolution of the Steel Corporation of Bengal, Limited.—As from the appointed day—

(*a*) the Steel Corporation of Bengal, Limited shall be dissolved and thereafter no person shall make, assert or take any claims, demands or proceedings against the dissolved company or against a director or officer thereof in his capacity as such director or officer, except in so far as may be necessary, for enforcing the provisions of this Act;

(*b*) the right of every shareholder to or in respect of any share in the dissolved company shall be extinguished, and thereafter no such shareholder shall make, assert or take any claims or demands or proceedings in respect of any such share except as provided in this Act.

14. Power to make rules for facilitating amalgamation.—The Central Government may, by notification in the Official Gazette, make such incidental, consequential or supplementary provisions as in its opinion are necessary for fully and effectually carrying out the purposes of this Act, and without prejudice to the generality of such power, provision may be made in such rules—

(*a*) for the allotting or appropriation by the Iron and Steel Company of any shares, debentures, policies or other like interests in that company which are to be allotted or appropriated under this Act by that company to or from any person;

(*b*) for the disposal of shares in the dissolved company which do not represent one fully paid up share in the Iron and Steel Company under clause (*b*) of sub-section (1) of section 7, whether by the surrender to the Iron and Steel Company of the fractional certificates relating thereto with other fractional certificates so as to represent in all one fully paid up share, or, at the option of the shareholder, by the surrender of the fractional certificates to the Iron and Steel Company for sale by the company on his account;

(*c*) for fixing the period within which any action required to be taken under this Act may be taken;

(*d*) for the alteration, notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), of the memorandum or articles of association of the Iron and Steel Company for the purpose of increasing the capital of the Company or the borrowing powers of the directors thereof or for the purpose of securing the representation of the Central Government on the Board of Directors of the company or for any other purpose;

(*e*) for requiring any person concerned with the keeping of the register of the holders of any shares, securities or investments now transferred to and vesting in the Iron and Steel Company to forthwith register the name of the Iron and Steel Company therein, and to issue to the Iron and Steel Company the appropriate documents of title relating to the shares, securities or investments transferred to and vesting in it.

15. Repeal of Ordinance VIII of 1952.—The Iron and Steel Companies Amalgamation Ordinance, 1952 (VIII of 1952), is hereby repealed.

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STATEMENT OF OBJECTS AND REASONS.

The Tariff Board and the Tariff Commission recommended on successive occasions that in the larger interests of the steel industry in India, the Indian Iron and Steel Co., Ltd. should be amalgamated with the Steel Corporation of Bengal, Ltd. as such amalgamation would eliminate duplication and waste and ultimately tend to reduce costs of production. In view of the serious shortage of steel in India for essential nation-building activities, it has also become imperative that the schemes approved by Government for the expansion of the steel production capacity of these Companies should be given effect to without further delay and that necessary financial and other resources should be made available to them. Effective action in this behalf is possible only after the amalgamation of the Companies. In view of the urgency of the matter, and the desirability of avoiding any speculation in the market, it was decided that an Ordinance should be promulgated for securing this amalgamation. The Government of India accordingly promulgated the Iron and Steel Companies Amalgamation Ordinance, 1952, on the 29th October 1952.

The present Bill is intended to replace the Ordinance.

T. T. KRISHNAMACHARI.

NEW DELHI;

The 6th November, 1952.

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NOTIFICATION.

No. L.D. 1431--Legis. 3-51-15, Bangalore, dated 5th December 1952.

Ordered that the Press and Registration of Books (Amendment) Bill, 1952, introduced in the House of the People on 18th November 1952 and published in the *Gazette of India*, Part II, Section 2, dated the 22nd November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOUSE OF THE PEOPLE.

New Delhi, the 22nd November 1952.

The following Bill was introduced in the House of the People on 18th November 1952 :—

BILL NO. 116 OF 1952.

A Bill further to amend the Press and Registration of Books Act, 1867.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Press and Registration of Books (Amendment) Act, 1952.

2. Amendment of long title and preamble, Act XXV of 1867.—In the long title of, and the preamble to, the Press and Registration of Books Act, 1867 (hereinafter referred to as the principal Act) for the word "newspapers", the words "printed papers" shall be substituted.

3. Amendment of section 1, Act XXV of 1867.—In section 1 of the principal Act,—

(*a*) in the definition of 'book', the words 'or lithographed' shall be omitted ;

(*b*) after the definition of 'newspaper' the following definitions shall be inserted, namely :—

'"paper" includes every document printed other than a book;
"printing" includes cyclostyling and printing by lithography.'.

4. Amendment of section 4, Act XXV of 1867.—Section 4 of the principal Act shall be renumbered as sub-section (*1*) of that section and after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely :—

"(*2*) As often as the place where a press is kept is changed a new declaration shall be necessary ;

Provided that where the change is for a period not exceeding sixty days and the place where the press is kept after the change is within the local jurisdiction of the magistrate referred to in sub-section (*1*), no new declaration shall be necessary if—

(*a*) a statement relating to the change is furnished to the said magistrate within twenty-four hours thereof; and

(*b*) the keeper of the press continues to be the same.".

5. Amendment of section 5, Act XXV of 1867.—In section 5 of the principal Act—

(*1*) in the declaration contained in rule (2), for the words "and printed or published, or printed and published", the words "and to be printed or published or to be printed and published" shall be substituted;

(*2*) to rule (*3*), the following proviso shall be added, namely:—

"Provided that where the change is for a period not exceeding thirty days and the place of printing or publication after the change is within the local jurisdiction of the magistrate referred to in rule (2) no new declaration shall be necessary if—

(*a*) a statement relating to the change is furnished to the said magistrate within twenty-four hours thereof, and

(*b*) the printer or publisher or the printer and publisher of the newspaper continues to be the same.";

(*3*) in rule (4), for the words "shall leave India", the words "shall leave India for a period exceeding thirty days" shall be substituted;

(*4*) after rule (4) and before the proviso to section 5, the following rules shall be inserted, namely:—

"(5) Where a newspaper does not commence publication within three months of the declaration made in respect thereof, the declaration shall be void, and a new declaration shall be necessary before the newspaper can be published.

(6) Where a newspaper has ceased publication for a period exceeding twelve months, every declaration made in respect thereof shall be void, and a new declaration shall be necessary before the newspaper can be republished.

(7) Every existing declaration in respect of a newspaper shall be cancelled before a new declaration is made and subscribed in respect of the same."

6. Amendment of section 9, Act XXV of 1867.—In section 9 of the principal Act, the words "or lithographed" wherever they occur shall be omitted.

7. Amendment of section 13, Act XXV of 1867.—In section 13 of the principal Act, for the words "without making such a declaration as is required by section 4 of this Act,", the words "in contravention of any of the provisions contained in section 4 of this Act" shall be substituted.

8. Amendment of section 14, Act XXV of 1867. In section 14 of the principal Act, for the words "any declaration" the words "any declaration or other statement" shall be substituted.

9. Amendment of section 18, Act XXV of 1867.—In section 18 of the principal Act, in item (12) of the particulars, for the words "or lithographed", the words "cyclostyled or lithographed" shall be substituted.

10. Insertion of new section 22 in Act XXV of 1867.—After section 21 of the principal Act, the following section shall be inserted, namely :—

"22. *Extent.*—This Act extends to the whole of India except the State of Jammu and Kashmir."

STATEMENT OF OBJECTS AND REASONS.

The object of this amending Bill is to amend the Press and Registration of Books Act, 1867, on the basis partly of the recommendations made by the Press Laws Enquiry Committee which had been set up by the Government of India and partly on the basis of the recommendations made by State Governments who have experienced difficulties in the working of the Act. The main amendments are as follows :—

(*i*) Temporary changes in the place of printing or publication may merely be notified to the magistrate within 24 hours and if this is done no fresh declaration is necessary so long as the keeper of the press or the publisher continues to be the same.

(*ii*) A declaration which is not followed by publication of a newspaper within three months becomes void.

(*iii*) When a newspaper ceases publication for a period of twelve months or more the declaration becomes void.

(*iv*) The Act applies to all printed, cyclostyled, or lithographed matter including posters.

NEW DELHI,

The 9th November, 1952.

K. N. KATJU.

M. N. KAUL,

Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV.

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1432—Legis. 5-52-92, Bangalore, dated 5th December 1952.

Ordered that Notification No. S.R.O. 1909, dated the 17th November 1952 of the Ministry of Finance, amending the Banking Companies Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 22nd November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

New Delhi, the 17th November 1952.

S.R.O. 1909. In exercise of the powers conferred by sub-section (1) of section 52 of the Banking Companies Act, 1949 (X of 1949), the Central Government hereby directs that the following further amendments shall be made in the Banking Companies Rules, 1949, the same having been previously published as required by sub-section (3) of the said section, namely :—

In the said Rules—

1. In rule 1 after sub-rule (1), the following sub-rule shall be inserted, namely :—

"(1A) They extend to the whole of India except the State of Jammu and Kashmir".

2. In sub-rule (1) of rule 2, after clause (e), the following clause shall be inserted namely :—

"(f) 'commencement of these rules' means—

(i) in the case of merged territories in Part A States, the States of Hyderabad, Mysore, Travancore-Cochin, Bhopal, Manipur and Tripura and those parts of the State of Rajasthan which formerly comprised the Indian States of Jaipur, Bikaner, Jaisalmer and Jodhpur, such date or dates as the Central Government may by notification in the Official Gazette sepecify in this behalf.

(ii) in any other case, the 26th day of March 1949".

[No. D.6037-F.I/52.]

S. K. SEN, Dy. Secy.

804

NOTIFICATION.

No. L.D. 1433—Legis 5-52-93, dated Bangalore, 5th December 1952.

Ordered that Notification No. S.R.O. 1945, dated 17th November 1952, of the Ministry of Labour, amending the Industrial Disputes (Central) Rules, 1947, published in the *Gazette of India*, Part II, Section 3, dated the 22nd November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 17th November, 1952.

S.R.O. 1945.—In exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following further amendments shall be made in the Industrial Disputes (Central) Rules, 1947, the same having been previously published as required by sub-section (1) of the said section, namely :—

Amendments.

In the said Rules—

1. After rule 51-A, the following rule shall be inserted, namely:—

"*51-B. Application for permission under Section 33.*—(1) An employer intending to obtain the express permission in writing of the Conciliation Officer, Board or Tribunal as the case may be, under section 33 shall present an application in Form DDI in triplicate to such Conciliation Officer, Board or Tribunal and shall file along with the application as many copies thereof as there are opposite parties.

(2) Every application under sub-rule (1) shall be verified at the foot by the employer making it or by some other person proved to the satisfaction of the Conciliation Officer, Board or Tribunal to be acquainted with the facts of the case.

(3) The person verifying shall specify, by reference to the numbered paragraphs of the application, what he verifies of his own knowledge and what he verifies upon informatian received and believed to be true.

(4) The verification shall be signed by the person making it and shall state the date on which and place at which it was verified."

2. In the Schedule after Form DD, the following Form shall be inserted, namely:—

FORM DD I

(*See* Rule 51-B).

Before (here mention the conciliation officer, Board or Tribunal).

Application for permission under Section 33 of the Industrial Disputes Act, 1947 (XIV of 1947)

A..... .....Applicant

Address:—

Versus

B.....Opposite Party(ies)

Address(es):—

The abovementioned applicant begs to state as follows:—

(Here set out the relevant facts and circumstances of the case and the grounds on which the permission is sought for)

The applicant therefore prays that the express permission may kindly be granted to him to take the following action, namely:—

(here mention the action specified in clause (a) or clause (b) of section 33)

Signature of the applicant.

Dated this.. .....day of.....195

Space for verification

(Signature of the person verifying)

Date (on which the verification was signed).....

Place (at which the verification was signed)..... .....

[No. L-R.1 (194)]

S. V. JOSHI, Dy. Secy.

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NOTIFICATION.

No. L.D. 1434—Legis. 6-52-75, Bangalore, dated 5th December 1952.

Ordered that Notification No. S.R.O. 1910, dated the 17th November 1952 of the Ministry of Finance, appointing the 22nd November 1952 as the date on which the Banking Companies Rules, 1949, would come into force, published in the *Gazette of India*, Part II, Section 3, dated the 22nd November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

New Delhi, the 17th November 1952.

S.R.O. 1910. In pursuance of the provisions of sub-clause (1) of clause (f) of sub-rule (1) of rule 2 of the Banking Companies Rules, 1949, the Central Government hereby specifies the 22nd November 1952 as the date on which the said rules shall come into force in the areas referred to in the said sub-clause.

[No. D. 6750-F.I/52.]

S. K. SEN, Dy. Secy.

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NOTIFICATION.

No. L.D. 1435—Legis. 6-52-76, Bangalore, dated 5th December 1952.

Ordered that Notification No. S.R.O. 1923, dated the 13th November 1952 of the Ministry of Information and Broadcasting, directing that the film entitled "Shin Shinaki Boobla Boo" be deemed as an uncertified film published in the *Gazette of India*, Part II, Section 3, dated the 22nd November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INFORMATION AND BROADCASTING.

New Delhi, the 13th November 1952.

S.R.O. 1923.—In exercise of the powers confered by clause (A) of Section 6 of the Cinematograph Act, 1952 (Act XXXVII of 1952), the Central Government hereby directs that the film entitled 'Shin Shinaki Boobla Boo' in respect of which "U" certificate No. 5671, dated the 8th May, 1952, was granted by the Central Board of Film Censors to Messrs. India Film Exchange, Bombay, shall be deemed to be an uncertified film in the whole of India.

[No. 4(11)/52-F.II.]

C. B. RAO, Joint Secy.

NOTIFICATION.

No. L.D. 1436—Legis. 6-52-77, Bangalore, dated 5th December 1952.

Ordered that Notification No. S.R.O. 1944, dated the 18th November 1952 of the Ministry of Labour, appointing Inspectors under the Payment of Wages Act, 1936, for the several States published in the *Gazette of India*, Part II, Section 3, dated the 22nd November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 18th November 1952.

S.R.O. 1944.—In exercise of the powers conferred by sub-section (3) of section 14 read with section 24 of the Payment of Wages Act, 1936 (IV of 1936), and in supersession of the notification of the Government of India in the Ministry of Labour, No. S.R.O. 663, dated the 4th April 1952, the Central Government hereby appoints the undermentioned officers to be Inspectors for the purposes of the said Act in respect of persons, employed in any mine, to whom the said Act applies, within the local limits noted against each :—

1. The Chief Labour Commissioner (Central). 2. The Welfare Adviser to the Chief Labour Commissioner (Central).	Whole of India except the State of Jammu and Kashmir.
3. The Regional Labour Commissioner (Central), Ajmer. 4. The Conciliation Officer (Central), Ajmer. 5. The Labour Inspectors (Central), Ajmer Region with headquarters at Ferozepur, Ambala, Ajmer, Jodhpur, Bhilwara and Ratlam.	The States of Punjab, Patiala and East Punjab States Union, Rajasthan, Madhya Bharat, Ajmer Himachal Pradesh and Bilaspur.
6. The Regional Labour Commissioner, (Central), Bombay. 7. The Conciliation Officer (Central), Bombay. 8. The Conciliation Officer (Central), Poona. 9. The Conciliation Officer (Central), Rajkot. 10. The Labour Inspectors (Central), Bombay Region, with headquarters at Rajkot, Bombay I, Bombay II, Bombay III, Poona, Ahmedabad, Bhusawal and Hubli.	The States of Bombay, Saurashtra and Kutch.

11. The Regional Labour Commissioner, (Centra), Calcutta. 12. The Conciliation Officer (Central), Calcutta I. 13. The Conciliation Officer (Central), Calcutta II. 14. The Conciliation Officer (Central), Gauhati. 15. The Labour Inspectors (Central), Cal utta Region, with headquarters at Calcutta I, Calcutta II, Gauhati, Kharagpur, Dibrugarh and Calcutta III.	The States of West Bengal, Assam, Manipur and Tripura.
16. The Regional Labour Commissioner (Central), Dhanbad. 17. The Conciliation Officer (Central), Cuttack. 18. The Conciliation Officer (Central), Dhanbad. 19. The Conciliation Officer (Central), Asansol, 20 The Conciliation Officer (Central), Patna. 21. The Labour Inspectors (Central), Dhanbad Region, with headquarters at Asansol, Bermo, Patna, Jharia, Katrasgarh, Kodarma, Muzaffarpur, Giridih, Cuttack and Rewa. 22. The Junior Labour Inspectors (Central), Dhanbad Region.	The States of Bihar, West Bengal (coal mines only), Orissa and Vindhya Pradesh.
23. The Regional Labour Commissioner (Central), Madras. 24. The Conciliation Officer (Central), Madras. 25. The Conciliation Officer (Central), Madura. 26. Labour Inspectors (Central), Madras Region, with headquarters at Madras I, Bezwada, Vizagapatnam, Coimbatore, Cochin, Trivandrum, Madras II Bangalore and Kolar (Gold Fields).	The States of Madras, Mysore, Travancore-Cochin and Coorg.
27. The Regional Labour Commissioner, (Central), Kanpur. 28. The Conciliation Officer (Central), Kanpur. 29. The Conciliation Officer (Central), New Delhi. 30. The Conciliation Officer (Central), Allahabad. 31. The Labour Inspectors (Central), Kanpur Region, with headquarters at Delhi I, Delhi II. Gorakpur, Bareilly, Lucknow, Allahabad and Kanpur.	The States of Uttar Pradesh and Delhi.
32. The Regional Labour Commissioner (Central), Nagpur. 33. The Conciliation Officer (Central), Nagpur. 34. The Conciliation Officer (Central), Secunderabad. 35. The Labour Inspectors (Central), Nagpur Region, with headquarters at Parasia, Jubbalpore, Nagpur, Raipur, Secunderabad and Kathgodum. 36. The Junior Labour Inspectors (Central), Nagpur Region.	The States of Madhya Pradesh, Hyderabad and Bhopal.

[No. Fac. 103(9)]

SADASHIVA PRASAD, Dy. Secy.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. S.D. 5847—R. 34-52-18, dated Bangalore, the 2nd December 1952.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with the Government of India Ministry of Food Notification No. S.R.O. 703, dated 4th October 1950, as amended by their Notification No. C.G. 603(3)—XXI-(1), dated the 21st July 1951, and with the concurrence of the Government of India (as expressed in their Circular letter No. B.P. II-1085-7—52, dated 17th November 1952), the Government of Mysore are pleased to direct that the following amendments shall be made in the "Mysore Food (Austerity Measures in Service of Meals) Order, 1951, published under Notification No. S.D. 8180—R. 24-50-273, dated 8th March 1951 :—

In clause 5 of the said Order,

(1) For the words, "fifty" and "twenty-four" wherever they occur, the words "one hundred" and "fifty" shall respectively be substituted;

(2) The proviso to paragraph (i) of sub-clause (4) shall be omitted; and

(3) After sub-clause (4), the following sub-clause shall be inserted, namely:—

> "Nothing in this clause shall apply to the serving or catering of persons with meals prepared only out of articles of food other than cereals."

By Order and in the name of the Rajpramukh,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

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NOTIFICATION.

No. L. 15402—C.M. 27-52-41, Bangalore, dated 5th December 1952.

In pursuance of Section 366 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act No. L. XIX of 1949), the draft of the following Rules which it is proposed to make under Section 68 of the said Act and in supersession of the Rules published in Notification No. L. 5321—C.M. 49-49-4, dated 2nd December 1949, in so far as they relate to the regulation of procedure for the election of the Mayor or the Deputy Mayor is hereby published, as required by clause (a) of the said Section 366 and notice is hereby given that the draft will be taken up for consideration on or after 1st January 1953.

Any suggestions with respect to the said draft received by the Secretary to Government, Local Self-Government Department, Bangalore-1, before the said date will be considered by the Government of Mysore.

1. Rules for the election of the Mayor or Deputy Mayor of the Corporation.

1. At a meeting of the Corporation held for the purpose of election of the Mayor or Deputy Mayor, any councillor may nominate another councillor for election by delivering to the person presiding at the meeting a nomination paper signed by himself as proposer and a third councillor as seconder, and stating (1) the name of the councillor nominated, and (2) that the proposer has ascertained that such councillor is willing to serve as Mayor or Deputy Mayor as the case may be, if elected. The names of all candidates proposed or seconded shall be read out by the person presiding at the meeting and the votes of the councillors present at the meeting shall then be taken by ballot. The Commissioner shall make adequate arrangements for securing the privacy of the ballot.

2. Every councillor wishing to vote shall be supplied with a voting paper on which the names of all the candidates shall be printed or typed in the following form :—

Name.	*Vote.*
(1)	.....
(2)	.....
(3)	.....
(4)	.....

Each councillor shall then proceed to the place set apart for the purpose and there place a cross mark against the name of the candidate for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and deposit the same in a ballot box. The ballot box shall be so constructed that the voting paper may be placed therein but not extracted therefrom, without the box being opened. The person presiding at the meeting shall then open the box and count the votes in the presence of the councillors and declare the result of the election.

3. If there is only one duly nominated candidate no ballot shall be necessary and he shall be considered to have been elected, provided that the proposal is carried by a resolution of the Corporation at the same meeting. If no such resolution is passed, a fresh election shall be held forthwith in accordance with these rules.

4. (1) If there are two candidates the one who secures the larger number of votes shall be declared to have been elected. If there is an equality of votes between the two candidates, the person presiding at the meeting shall draw lots in the presence of the councillors and the person whose name is first drawn shall be declared to have been elected.

(2) If there are more than two candidates, the one who obtains the smallest number of votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates or if two or more candidates last in the list have obtained an equal number of votes, a ballot shall be taken in order to decide which of them shall be eliminated. If at such ballot there is an equality of votes, a further ballot shall be taken; and if this further ballot is also indecisive, the person presiding at the meeting shall ascertain by drawing lots in the presence of the councillors which of the candidates shall be considered to have been eliminated. The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the larger number of votes shall be considered to have been elected. If there is an equality of votes at the final stages, between the two remaining candidates, the person presiding at the meeting shall draw lots in the presence of the councillors and the person whose name is first drawn shall be declared to have been elected.

5. No candidate shall take part in a ballot, but a candidate may withdraw at any stage and after such withdrawal, he may take part in any ballot. Similarly, a candidate who has been eliminated at any stage under Sub-rule (2) of the Rule 4 may take part in any ballot at subsequent stages.

6. Any voting paper which contains the signature or writing of any of the voting councillors or on which a cross mark is made against more than one name shall be invalid.

7. No election of the Mayor or Deputy Mayor shall be called in question except by an election petition presented in accordance with these rules to the Court of the District Judge, Bangalore Division, (hereinafter referred to as the Court) by any candidate against candidate (hereinafter called the returned candidate) who has been declared to have been duly elected.

8. The petition shall be presented within seven days of the date of the declaration of the results of election and shall contain a statement, in concise form, of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges, and shall where necessary be devided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of the pleadings in the Code of Civil Procedure, 1908.

9 The petitioner may, if he so desires in addition to callings in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in such case he shall join as respondent to his petition all other candidates who were nominated for the election.

10. (1) At the time of the presentation of the petition, the petitioner shall deposit with it, as security for the costs of the same, a sum of two hundred rupees in cash.

(2) If the provisions of Sub-rule (1) are not complied with, the Court shall dismiss the petition.

(3) Upon compliance with the provisions of sub-rule (1), the Court shall proceed to enquire into the petition.

11. The Court shall, as soon as may be, cause a copy of the petition to be served on each respondent and on the Commissioner of the Corporation of Bangalore. Copies shall also be affixed to the Notice Board of the Court and of the Municipal Office. It may also call on the petitioner to execute a bond in such amount and with such sureties as it may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on furnishing similarly such security as may be demanded by the Court.

12. Every election petition shall be enquired into by the Court as nearly as may be, in accordance with the procedure, applicable to the trial of *suits in the Court of the District Judge, Bangalore Division.*

13. (1) No election petition shall be withdrawn without the leave of the Court.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made notice thereof fixing a date for the hearing of the application shall be given to all the other parties to the petition and shall be published as specified in Rule 11.

(4) No application for withdrawal shall be granted if the Court is of opinion that such application has been induced by any bargain or consideration which, it considers, ought not to be allowed:

(5) If the application is granted:

(a) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Court may think fit; and

(b) Such withdrawal shall be communicated to the Commissioner of the Corporation by the Court.

14. An election petition shall abate on the death of a sole petitioner or of the survivor of several petitioners and such abatement shall be communicated to the Commissioner of the Corporation by the Court.

15. Where at any inquiry into an election petition any candidate other than the returned candidate, claims that he himself has been elected, the returned candidate or any other party to the proceeding may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

16. At any enquiry into an election petition the Commissioner of the Corporation of Bangalore may appoint a legal practitioner or other person to attend and take such part therein as the court may allow.

17. If in the opinion of the Court:—

(a) the returned candidate, or any other person with the connivance of such candidate has committed or abetted the commission of any election offence punishable under Chapter IX-A of the Indian Penal Code, or

(b) the election of the returned candidate has been procured or induced, or the result of the election has been materially affected by any of the following corrupt practice, namely:—

any election offence punishable under Chapter IX-A of the Indian Penal Code when committed by a person who is

not a candidate or a person acting with the connivance of a candidate.

(c) the result of the election has been materially affected by the improper reception or refusal of a vote, or by any non-compliance with the provisions of these rules the election of the returned candidate shall be void; subject to the provisions contained in the rule 18 below :—

Provided that if the Court is of opinion that any corrupt practice specified in clause (b) of this rule, which does not amount to any form of bribery other than treating as hereinafter explained has been committed and if the Court is further of opinion that the candidate has satisfied it that;

(a) no corrupt practice was committed at such election by the candidate and that any corrupt practices committed were committed contrary to the orders and without the sanction or connivance of such candidate; and

(b) such candidate took all reasonable means for preventing the commission of corrupt practices at such election; and

(c) the corrupt practices committed were of a trivial and unimportant and limited character; and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate.

Then the Court may find that the election of such candidate is not void.

Explanation.—For the purpose of this rule 'treating' means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

18. If the validity of the election brought in question only on the ground of an error by the person or persons charged with carrying out these rules of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Explanation.—The expression 'ERROR' in this sub-rule does not include any breach of or any omission to carry out or any non-compliance with the provisions of these Rules whereby the result of election has been materially affected.

19. (1) At the conclusion of the enquiry the Court shall declare whether the election of the returned candidate is void under Rule 17,

(2) If it declares the election of the returned candidate void it shall further pass an order, either

(*a*) declaring that any other party to the petition who has under these rules claimed the office has been duly elected, or

(*b*) ordering a fresh election.

(3) The order of the Court under sub-rules (1) and (2) shall subject to the decision of the High Court under Rule 21 be final.

(4) A copy of every order under sub-rule (1) or sub-rule (2) shall be communicated to the Commissioner of the Corporation.

20. When an election is declared void under sub-rule (1) of Rule 19 and a fresh election is ordered under clause (*b*) of sub-rule (2) of Rule 19, the office of the Mayor or Deputy Mayor shall be deemed to be vacant from the date of the order of the Court and the authority concerned shall forthwith take the necessary steps for holding such fresh election.

21. An appeal shall lie to the High Court from the order of the Court on a point of law and such appeal shall be preferred within one month from the date of such order, exclusive of the time requisite for obtaining a copy of the order.

By Order and in the name of the Rajpramukh,

G. V. K. Rao,

Secretary to Government,

Local Self-Government Department.

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NOTIFICATION.

No. L.S. 4780-31—L.W. 269-52-8, Bangalore, dated 9th December 1952.

Subject :—Fixation of opening and closing hours of Shops and Establishments in Tumkur Town and Davangere City.

The time limit fixed in the several Notifications mentioned below for sending objections or suggestions regarding the fixation of opening and closing hours of Shops and Establishments in Davangere City and Tumkur Town under the Mysore Shops and Establishments Act, 1948, is hereby extended up to 15th January 1953.

(1) L.S. 4485—L.W. 269-52-2 dated 19th November 1952.
(2) L.S. 4487—L.W. 269-52-3 do do
(3) L.S. 4489—L.W. 269-52-4 do do
(4) L.S. 4491—L.W. 269-52-5 do do
and (5) L.S. 4493—L.W. 269-52-6 do do

By Order and in the name of Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

(HOME DEPARTMENT).

No. H.A. 7505—Pol. 238-52-1, dated Bangalore, the 10th December 1952.

In exercise of the powers conferred by Sub-section (3) of Section 1 of the Mysore Cinemas (Regulation) Act, 1952 (Mysore Act XXXI of 1952), the Government of Mysore are pleased to appoint 15th day of December 1952 to be the date on which all the provisions of the said Act (except Section 1) shall come into force.

By Order and in the name of Rajpramukh,

G. N. NAGARAJA RAO,
Secretary to Government,
Revenue and Home Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

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PUBLISHED BY AUTHORITY

BANGALORE, THURSDAY, DECEMBER 18, 1952

NOTICE.

The undermentioned *Mysore Gazettes* Extraordinary were published during 14th December 1952 :—

Sl. No.	No. and date	Issued by	Subject in brief
1	MY/56/52-1-Elecn. III (1), dated 8th December 1952.	Election Commission, India.	Amendment to Election notification of L. A. Seat.
2	MY/56/52-1-Elecn. III (2), dated 8th December 1952.	Do ...	Do date of Election.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 1451—Legis. 3-52-17, Bangalore, dated 11th December 1952.

Ordered that the Reserve Bank of India (Amendment and Miscellaneous Provisions) Bill, 1952, which was introduced in the House of the People on 21st November 1952 and published in the *Gazette of India*, Part II, Section 2, dated the 29th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOUSE OF THE PEOPLE.

The following Bill was introduced in the House of the People on 21st November, 1952 :—

BILL NO. 119 OF 1952.

A Bill further to amend the Reserve Bank of India Act, 1934 and to make special provisions in respect of certain high denomination bank notes.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Reserve Bank of India (Amendment and Miscellaneous Provisions) Act, 1952.

2. **Amendment of section 8, Act II of 1934.**—For the proviso to sub-section (3) of section 8 of the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act), the following proviso shall be substituted, namely:—

"Provided that when the Governor is, for any reason, unable to attend any such meeting, a Deputy Governor authorised by him in this behalf in writing may vote for him at that meeting.".

3. Amendment of section 17, Act II of 1934.—In section 17 of the principal Act,—

(*a*) to sub-clause (*b*) of clause (*2*), the following *Explanation* shall be added, namely :—

" *Explanation.*—For the purposes of this sub-clause,—

(*i*) the expression "agricultural operations" includes animal husbandry and allied activities jointly undertaken with agricultural operations.;

(*ii*) "crops" include products of agricultural operations;

(*iii*) the expression "marketing of crops" includes the processing of crops prior to marketing by agricultural producers or any organization of such producers.";

(*b*) after sub-clause (*b*) of clause (*2*), the following sub-clause shall be inserted, namely :—

"(*bb*) the purchase, sale and rediscount of bills of exchange and promissory notes drawn and payable in India and bearing two or more good signatures, one of which shall be that of a State Co-operative Bank or a State Financial Corporation, and drawn or issued for the purpose of financing the production or marketing activities of cottage and small scale industries approved by the Bank and maturing within twelve months from the date of such purchase or rediscount, exclusive of days of grace provided that the payment of the principal and interest of such bills of exchange or promissory notes is fully guaranteed by the State Government.";

(*c*) after clause (*4*), the following clause shall be inserted, namely :—

"(4A) the making to State Co-operative Banks of loans and advances, repayable on the expiry of fixed periods not being less than fifteen months and not exceeding five years against such securities as may be specified in this behalf by the Central Board;

Provided that—

(*a*) such loans and advances are fully guaranteed as to the principal and interest by the State Government; and

(*b*) the amount of loans and advances granted to any State Co-operative Bank shall not exceed the owned funds of such a bank:

Provided further that the amount of loans and advances granted by the Bank under this clause shall not at any time exceed five crores of rupees in the aggregate.

(*4B*) the making to the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948 (XV of 1948) of loans and advances,—

(*a*) against securities of the Central Government or of any State Government, repayable on demand or on the expiry of fixed periods not exceeding ninety days from the date of such loan or advance; or

(*b*) against securities of the Central Government or against bonds and debentures issued by the said Corporation and guaranteed by the Central Government maturing and repayable within a period not exceeding eighteen months from the date of such loan or advance:

Provided that the amount of loans and advances granted under clause (*b*) shall not at any time exceed three crores of rupees in the aggregate."

4. Amendment of section 24, Act II of 1934.—In section 24 of the principal Act, after the words 'one thousand rupees' the words 'five thousand rupees' shall be inserted.

5. Amendment of section 40, Act II of 1934.—In section 40 of the principal Act, after the words 'or Madras' the words 'or at such of its branches as the Central Government may, by order, determine' shall be inserted.

6. Amendment of section 42, Act II of 1934.—In section 42 of the principal Act,—

(*a*) in the *Explanation* to sub-section (*1*), after the words 'the Reserve Bank' the words 'or the Imperial Bank of India' shall be inserted;

(*b*) in sub-section (*2*),—

(i) to clause (*a*), the words 'other than the Imperial Bank of India' shall be added;

(ii) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the amount of its borrowings from the Imperial Bank of India, classifying them into demand and time liabilities;";

(iii) in clause (*g*), after the words 'discounted in India' the words 'and foreign bills purchased and discounted' shall be inserted.

7. Insertion of new section 43A in Act II of 1934.—After section 43 of the principal Act, the following section shall be inserted, namely:—

"43A. *Protection of action taken in good faith.*—(*1*) No suit or other legal proceeding shall lie against the Bank or any of its officers for anything which is in good faith done or intended to be done in pursuance of section 42 or section 43.

(*2*) No suit or other legal proceeding shall lie against the Bank or any of its officers for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of section 42 or section 43."

8. Amendment of section 58, Act II of 1934.—In clause (*h*) of sub-section (*2*) of section 58 of the principal Act, the words 'to the Governor, or' shall be omitted.

9. Ordinance III of 1946 not to apply to certain high denomination bank notes.—Nothing contained in the High Denomination Bank Notes (Demonetisation) Ordinance, 1946 (III of 1946) shall apply to any bank note of the denominational value of five hundred rupees, one thousand rupees or ten thousand rupees issued after the commencement of this Act, but no such bank note issued before the 13th day of January, 1946, shall be legal tender in payment or on account of the amount expressed therein at any place in India.

STATEMENT OF OBJECTS AND REASONS.

For some time past there has been a persistent demand for extending the facilities provided by the Reserve Bank of India to meet the needs of rural credit. As a result of the examination of the various proposals in this behalf, it is considered necessary to amend the Reserve Bank of India Act, 1934, for enlarging its scope with a view to enabling it to participate more effectively in financing the requirements of rural areas. The principal amendments to the Bill are intended to—

(1) widen the scope of the terms 'crops', 'agricultural operations' and 'marketing of crops' used in section 17(2)(b) of the Act, so that finance may

also be made available for production and marketing of commodities, such as, gur, milk, cream, butter, ghee, etc., and also for processing of goods where such processing is a necessary preliminary to marketing, *e.g.*, hulling of rice, ginning and pressing of cotton, etc.;

(2) provide accommodation to the State Co-operative Banks and State Financial Corporations for financing the production and marketing activities of cottage and small-scale industries, where the repayment of the principal and payment of interest is guaranteed by the State Government;

(3) enable the Bank to dispense medium-term credit for agricultural purposes for periods ranging more than 15 months but not exceeding 5 years.

As proposed in the Industrial Finance Corporation (Amendment) Bill, 1952, provision is also being made to enable the Bank to give short-term credit facilities to the Corporation. The Bill incorporates certain minor amendments found necessary as a result of the experience gained in the working of the Bank.

NEW DELHI;

C. D. DESHMUKH.

The 15th November 1952.

Notes on Clauses.

Clause 2.—The amendment is for clarification.

Clause 3.—The reasons for amending clause (2) of Section 17 of the Act have already been explained in the Statement of Objects and Reasons. The objective of inserting a new clause (4A) has also been explained therein. The new clause (4B) is intended for granting short-term financial accommodation to the Industrial Finance Corporation. This is necessary for the successful operation of the Corporation.

Clauses 4 and 9.—High denomination notes were demonetised in 1946 under the High Denomination Bank Notes (Demonetisation) Ordinance, 1946 (III of 1946) In view of the serious inconvenience caused to the public by the withdrawal of high denomination notes, it has been decided to reintroduce the notes as early as possible. New series of notes will now be issued and the intention is to issue Rs. 1,000, Rs. 5,000 and Rs. 10,000 denomination notes only. As issue of Rs. 5,000 denomination notes is not at present authorised under Section 24 of the Act, it is necessary to amend that section also in addition to the amendment of the above Ordinance.

Clause 5.—It will be made obligatory on the Bank to provide foreign exchange facilities at the prescribed rates and conditions at any of the branches of the Bank as may be determined by the Central Government.

Clause 6.—Borrowings from the Imperial Bank will have to be exhibited separately in the Weekly Returns of scheduled banks and such borrowings are to be excluded from their demand and time liabilities in India.

Clause 7.—This new section is being inserted on the lines of section 54 of the Banking Companies Act, 1949, to give protection to the bank against any suits or actions claiming damages.

Clause 8.—Since section 7 (5) gives the Governor concurrent powers with the Central Board, it is no longer necessary to provide for delegation of powers to him under the Regulations.

M. N. KAUL,

Secretary.

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NOTIFICATION.

No. L.D. 1452—Legis. 3-52-16, dated Bangalore, 11th December 1952.

Ordered that the report of the Select Committee on the constitution (Second Amendment) Bill, 1952, which was presented to the House of the People on 18th November 1952 and published in the *Gazette of India*, Part II, Section 2, dated 29th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

BILLS AND REPORTS OF SELECT COMMITTEES ON BILLS.

HOUSE OF THE PEOPLE.

The following Report of the Select Committee on the Bill further to amend the Constitution of India, was presented to the House of the People on 18th November, 1952:—

MEMBERS OF SELECT COMMITTEE.

Shri M. Ananthasayanam Ayyangar (*Chairman*).
Shri Bhawanji A. Khimji.
Shri Syamnandan Sahaya.
Shri Gajendra Prasad Sinha.
Shri K. L. More.
Pandit Lingaraj Misra.
Shri Rohini Kumar Chaudhuri.
Pandit Lakshmi Kanta Mitra.
Shri Mohanlal Saksena.
Shri N. M. Lingam.
Shri Udai Shankar Dube.
Choudhary Raghubir Singh.
Shri Nemi Chandra Kasliwal.
Shri Ranbir Singh Chaudhuri.
Shri Govind Hari Deshpande.
Sardar Amar Singh Saigal.
[illegible]ri Kotha Raghuramaiah.
[illegible] Krishnacharya Joshi.
[illegible]Liladhar Joshi.
Shri A. M. Thomas.
Shri C. R. Basappa.
Shri C. Madhao Reddi.
Shri Choithram Partabrai Gidwani.
Shrimati Renu Chakravartty.
Shri P. T Punnoose.
Shri Girraj Saran Singh.
Dr. Manik Chand Jatav-vir.
H. H. Maharaja Rajendra Narayana Singh Deo.
Shri N. R. M. Swamy.
Shri Radha Charan Sharma.
Shri Ranjit Singh.
Shri P. N. Rajabhoj.
Shri Awadheshwar Prasad Sinha.
Shri Shankar Shantaram More.
Shri B. S. Murthy.
Shri N. C. Chatterjee.
Dr. Syama Prasad Mookerjee.
Shri C. C. Biswas.

REPORT OF THE SELECT COMMITTEE.

The Select Committee to which the Bill further to amend the Constitution of India was referred have considered the Bill, and I now submit this their Report with the Bill as amended by the Com nittee annexed hereto.

2. The Committee have explored the possibility of readjusting the representation of the territorial constituencies within the present limits laid down in sub-clause (b) of clause (1) of article 81 of the Constitution so that any amendment of the Constitution could be avoided. Although theoretically it may be possible to readjust the representation of the constituencies within these limits, the Committee consider that practical administrative difficulties will stand in the way of such readjustment. The Committee further feel that although the amendment proposed in the Bill will be sufficient to solve the immediate difficulty, it is desirable to avoid the necessity of amending this article periodically after every census. The Committee have accordingly decided that the upper limit of representation laid down in sub-clause (b) should be removed altogether thereby bringing article 81 (1) (b) into line with the article 170 (2) relating to representation in the State Assemblies. At the same time the Committee wish to record that the upper limit of one member for every 750,000 of population should not, as far as practicable, be exceeded.

The Committee have accordingly substituted a new clause for clause 2 of the Bill.

3. The Bill was published in Part II, section 2 of the *Gazette of India*, dated the 21st June, 1952.

4. The Committee think that the Bill has not been so altered as to require re-circulation under Rule 94 (4) of the Rules of Procedure and Conduct of Business in the House of the People and they recommend that it be passed as now amended.

M. ANANTHASAYANAM AYYANGAR,
Chairman of the Select Committee.

NEW DELHI;
The 18th November, 1952.

MINUTE OF DISSENT.

The discussion in the Select Committee revealed that the constituencies may still be delimited for the next election keeping to the maximum limit set by the Constitution. Since I am firmly of the opinion that there must be no further extension of the number of voters to a constituency which already is unwieldy, I give my minutes of dissent to the amendment proposed. The amendment of not specifying the upper limit of the number of voters to a constituency gives the blank-cheque to Government to increase the constituencies and as such I am opposed to it. Parliamentary democracy can only be a "democracy" when the members of Parliament can keep living links with the people they represent—going amongst them constantly, ascertaining their demands and desires, and reporting back to them what has been done in Parliament. The present 7½ lakh limit itself is difficult enough to cover. Any further extension will further make its intimate connection between the people and its representatives impossible.

Further, I am of the opinion, since there is no pressing need for this amendment we should have left this to the future Parliaments to do, as and when ne

arose. As I do not subscribe to the opinion that any extension of the 500 limit to the House of the People will impair its efficiency, I assert we have no right to legislate ahead for those who will come 10 years hence or to presuppose their needs and conditions. I therefore strongly disagree with this amendment.

RENU CHAKRAVARTTY.

NEW DELHI;
The 18th November, 1952.

(AS AMENDED BY THE SELECT COMMITTEE).

(*Words underlined indicate the amendments suggested by the Committee*).

BILL No. 54 OF 1952.

A bill further to amend the Constitution of India.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Constitution (Second Amendment) Act, 1952.

2. **Amendment of article 81.**—In sub-clause (b) of clause (1) of article 81 of the Constitution the words and figures "not less than one member for every 750,000 of the population and" shall be omitted.

O. V. ALAGESAN.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1450—Legis. 4-52-49, Bangalore, dated 11th December 1952.

Ordered that the Indian Tariff (Fourth Amendment) Act, 1952 (Central Act No. LXVI of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 3rd December 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 2nd December 1952.

THE INDIAN TARIFF (FOURTH AMENDMENT) ACT, 1952 (LXVI OF 1952).

AN

ACT

further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows :—

Short title and commencement.—(1) This Act may be called the Indian Tariff (Fourth Amendment) Act, 1952.

(2) The provisions of clause (*iii*) of section 2 [relating to Item No. 63 (34)] shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; but the remaining provisions shall come into force at once.

Amendment of the First Schedule, Act XXXII of 1934.—In the First Schedule to the Indian Tariff Act, 1934.—

(*i*) in Items Nos. 8(3), 11(6), 18, 20(5), 20(4), 20(8), 20(9), 21(3), 28(4), 28(15), 28(17), 28(20), 30(7), 30(9), 30(10), 40(4), 40(5), 45(4), 46, 46(1), 47, 47(1), 48, 48(1), 48(4), 48(5), 48(7), 50(3), 60(7), 63(33) (a), 63(35), 64, 64(3), 64(4), 65(a), 66(a), 66(1), 67, 67(1), 67(2), 68, 68(2), 69(2), 70, 70(1), 70(2), 70(3), 70(4), 70(5), 70(6), 70(9), 71(7), 72(12), 72(33), 73(7), 73(16), 75(5), 75(6), 75(7), 75(8) and 82(3), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1952", wherever they occur, the word, figures and letters "December 31st, 1953" shall be substituted;

(*ii*) in Item No. 28(18)(b), (c) and (d), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1952", wherever they occur, the word, figures and letters "December 31st, 1954" shall be substituted;

(*iii*) for Item No. 63(34), the following Item shall be substituted namely:—

"63(34)	Iron or steel hoops—			
	(*a*) Jute baling hoops—			
	(*i*) of British manufacture.	Protective	30 per cent *ad valorem.*	December 31st, 1953.
	(*ii*) not of British manufacture.	Protective	40 per cent *ad valorem.*	December 31st, 1953.
	(*b*) Cotton baling hoops—			
	(*i*) of British manufacture.	Protective	30 per cent *ad valorem.*	December 31st, 1953.
	(*ii*) not of British manufacture.	Protective	40 per cent *ad valorem.*	December 31st, 1953.

(*iv*) in Item No. 72(34), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "March 31st, 1953", the word, figures and letters "December 31st, 1953" shall be substituted;

(*v*) in Item No. 73(15), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1952", wherever they occur, the word, figures and letters "December 31st, 1955", shall be substituted.

K. V. K. SUNDARAM, Secy. to the Govt. of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV.

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. S.D. 6015—C. 71-52-13, dated Bangalore, 10th December 1952.

The accompanying Notification No. Py. 11-CG-603(2)/52, dated 25th November 1952, issued by the Government of India, extending the Foodgrains (Licensing and Procurement) Order, 1952, into Mysore, among other States, with effect from 26th November 1952, and the said Foodgrains (Licensing and Procurement) Order, 1952, is hereby published for the information of the public.

By Order and in the name of the Rajpramukh,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

NOTIFICATION.

New Delhi, the 25th November 1952.

PYII-CG-603 (2)/52.—In pursuance of the provisions of sub-clause (3) of Clause 1 of the Foodgrains (Licensing and Procurement) Order, 1952, the Central Government hereby directs that the said Order shall, come into force in the States of Assam, West Bengal, Orissa, Punjab, Bombay, Madhya Pradesh, Patiala and East Punjab States Union, Rajasthan, *Mysore*, Delhi, Himachal Pradesh, Bilaspur, Ajmer, Coorg, Bhopal, Kutch, Vindhya Pradesh, Manipur and Tripura on the 26th November 1952.

P. A. GOPALAKRISHNAN,
Joint Secretary to the Govt. of India.

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GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

NOTIFICATION.

New Delhi, the 8th July 1952.

PYII-CG. 603 (2)/52.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following Order :—

Preliminary.

1. *Short title, extent and commencement* :—(1) This order may be called the Foodgrains (Licensing and Procurement) Order, 1952.

(2) It extends to the whole of India except the States of Jammu and Kashmir.

(3) It shall come into force in any State or part thereof on such date as the Central Government may, by notification in the Official Gazette, specify.

2. *Definitions* :—In this order,

(*a*) 'dealer' means a person carrying on, either personally or through any other person, the business of selling or purchasing any foodgrains, whether wholesale or retail ;

(*b*) 'foodgrains' means any of the foodgrains specified in the Schedule to this Order.

Licensing of dealers in Foodgrains.

3. *Prohibition to deal in foodgrains except under licence* :—(1) No person shall engage in any business which involves the purchase, sale, or storage for sale, of any foodgrains except under and in accordance with a licence issued by the State Government or by an officer authorised in this behalf by the State Government.

(2) For the purpose of this clause, any person who stores any foodgrains in quantity exceeding fifteen maunds shall, unless the contrary is proved, be deemed to store the foodgrains for the purposes of sale :

Provided that any officer authorised by the State Government in this behalf may, by general or special order, exempt any dealer or class of dealers from the operation of this clause, subject to such directions in regard to purchase, sale or storage for sale of foodgrains as may be specified in the order :

Provided further that any officer authorised by the State Government in this behalf may, by general or special order, exempt any person other than a dealer from the operation of this clause, subject to such conditions as may be specified in the Order.

4. *Form of licence.*—Licences issued under this order shall be in such form as may be prescribed by the State Government but every licence for sale of foodgrains shall specify—

(*a*) the foodgrains in respect of which it is issued ;

(*b*) the place or places at which the licensee may sell and the place or places at which he may store the foodgrains specified in the licence.

5. *Matters to be taken into consideration for granting a licence.*—In granting or refusing a licence under this order, the authority competent to grant a licence, shall among other matters have regard to the following, namely :—

(*a*) the stock of foodgrains available in the locality for which the licence is required;

(*b*) the number of other persons who have applied for licences in respect of the foodgrains for which the application is made, or have been granted licences in respect of such foodgrains under this order in the locality;

(*c*) the business ordinarily carried on by the applicant.

6. *Application for licence.*—An application for a licence shall be made in such form as may be prescribed by the State Government and shall be addressed to such officer as may be specified in this behalf by the State Government.

7. *Period of licence.*—Every licence granted under this order shall be valid for a period of one year and may be renewed from year to year.

8. *Fee for licence.*—Such fee as may be prescribed by the State Government shall be levied in respect of every licence granted under this order and for every renewal thereof;

Provided that the State Government may, for reasons to be recorded in writing, exempt any person or class of persons from the payment of any fee under this clause.

9. *Contravention of conditions of licence.*—(1) No person holding a licence under this order shall contravene any of the conditions of the licence and if any such person contravenes any of the said conditions, then, without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order of the State Government or by an officer authorised by the State Government in this behalf.

(2) Notwithstanding anything contained in sub-clause (1), the State Government may, in any special circumstances, without giving any previous notice, suspend or cancel a licence issued under this order.

Procurement of Foodgrains.

10. *Power to procure foodgrains.*—(1) If it appears to the State Government or to any officer authorised by it in this behalf that for the purpose of maintaining or increasing the supplies of any foodgrains or for securing their equitable distribution and availability at fair prices it is necessary or expedient so to do, it or he may, by order in writing, require any person holding stock of such foodgrains to sell the whole or a specified part of the stock at such price and to such person or class of persons or in such circumstances, as may be specified in the order:

Provided that the price specified in any such order shall in no case exceed the procurement price at which the foodgrains could have been purchased from that person.

(*a*) Under any order made under the Essential Supplies (Temporary Powers) Act, 1 946, which was in force in the area on the 30th April 1952, or

(*b*) Where after the said date any other order has been made under the said Act in the area fixing the procurement price at which the foodgrains could be purchased from that person, then, under any such order in force in the area immediately before the issue of the order under this clause, *plus* a further sum not exceeding 10 per cent of the procurement price in either case.

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Miscellaneous.

11. *Power to call for information.*—The State Government or any officer authorised by it in this behalf may, by general or special order, require any banking company to furnish such information as may be specified in the order relating to any financial assistance granted by it to any dealer whether by way of a loan or otherwise.

Explanation.—In this clause, 'banking company' means any company which transacts the business of banking.

12. *Power to seize foodgrains.*—If the stock of foodgrains specified in an order made under clause 10 is not sold in accordance with the provisions of that order, then, without prejudice to any other penalty to which the person concerned may be liable, the authority issuing the order may seize or cause to be seized such stock and deliver it to the person or class of persons to whom it should have been sold under the said order and direct such person or class of persons to pay to the person from whom the stock was seized the value thereof at the price specified in the said Order.

13. *Power to enter and search premises.*—Any officer authorised in this behalf by the State Government may, within his jurisdiction, inspect at all reasonable times stocks of foodgrains and for that purpose enter any premises or stop any vehicle and search the same and seize any stock of foodgrains in respect of which he has reason to believe that any order issued under clause 10 has been contravened :

Provided that in exercising the power of entry under this clause, due regard shall be paid by such officer to the social and religious customs of the occupant of the premises :

Provided further that if any such premises be found locked up or unoccupied or unattended by or on behalf of the owner or occupier, the same may, in the presence of two witnesses, be broken open and entered upon for all or any of the aforesaid purposes.

THE SCHEDULE.

[*See* Clause 2 (*h*)].

(1) Wheat.
(2) Paddy (rice in husk).
(3) Rice (husked).
(4) Jowar.
(5) Bajra.

P. A. GOPALAKRISHNAN,

Joint Secretary to the Govt. of India.

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NOTIFICATION.

No. L.D. 1448—Legis. 6-52-78, Bangalore, dated 11th December 1952.

Ordered that Notification No. S.R.O. 1984, dated 25th November 1952 of the Ministry of Labour, appointing an authority under sub-section (3) of Section 14 of the Employees' Provident Funds Act, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 29th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 25th November 1952.

S.R.O. 1984. In pursuance of sub-section (3) of section 14 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby specifies the Commissioner for the Employees' Provident Fund appointed under sub-paragraph (1) of paragraph 19 of the Employees' Provident Funds Scheme, 1952, as the authority for the purposes of the said sub-section.

[No. PF. 516(55).]

K. N. SUBRAMANIAN, Joint Secy.

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NOTIFICATION.

No. L.D. 1449—Legis. 5-52-94, Bangalore, dated 11th December 1952.

Ordered that Notification No. S.R.O. 1967, dated 15th November 1952 of the Ministry of Rehabilitation, amending the Displaced Persons (Debts Adjustment) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 29th November 1952, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 15th November 1952.

S.R.O. 1967.—In exercise of the powers conferred by Section 57 of the Displaced Persons (Debts Adjustment) Act, 1951 (LXX of 1951), the Central Government hereby directs that the following amendment shall be made in the Displaced Persons (Debts Adjustment) rules, 1951, namely :—

In the said rules, after rule 8, the following rule shall be inserted, namely :—

"8A. *Authority under section* 52.—The authority for the purpose of section 52 of the Act shall be the Chief Settlement Commissioner, Ministry of Rehabilitation, New Delhi."

[No. 54(3)/52-Prop.]

MANMOHAN KISHAN, Asst. Secy.

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NOTIFICATION.

No. L.S. 4829-33—L.W. 287-52-2, Bangalore, dated 11th December 1952.

Whereas the Government of Mysore are of opinion that an industrial dispute exists between the Workers and Management of the Mysore Match Co., Ltd., Shimoga, in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (*c*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated 28th June 1952.

POINTS OF DISPUTE.

1. (*a*) Whether the termination of the services of Sri K. C. Lakshmana Rao, President of the Labour Association and an employee of the Concern, amount to victimisation for his Trade Union activities?

(*b*) Whether the punishment inflicted on him is commensurate with the gravity of the offence, if any, committed?

(*c*) Whether he should be re-instated in his former job or is he entitled to any compensation in lieu of re-instatement?

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.S. 4865—L.W. 260-52-5, Bangalore, dated 12th December 1952.

WHEREAS the Government of Mysore are of opinion that an industrial dispute exists between the Workers and Management of the H.P.C. Motor Service, Shimoga, in respect of the points of dispute specified below;

And whereas the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are hereby pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1515—L.W. 131-52-1, dated 28th June 1952.

POINTS OF DISPUTE.

(1) Whether the removal from service on 4th October 1952 of Driver Jokin Saldhana is justifiable and in accordance with Rules and Standing Orders?

(2) If the answer to (1) is in the negative, is he not entitled to re-instatement and to salary for the period till re-instatement?

(3) Is the driver referred to entitled to payment of over-time allowances for a period of nine months for extra two hours of work alleged to have been extracted from him?

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,

Law Department.

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ELECTION COMMISSION, INDIA.

1-Aurangzeb Road, New Delhi.

NOTIFICATIONS.

Notification No. MY-A—52 (118), New Delhi, dated 29th November 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address is given below, as notified under Notification No. MY-A—52 (7), dated the 26th April 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act, respectively :—

Shri M. Mahalingappa,
Shankar Talkies,
Harihar.

P. N. SHINGHAL,
Secretary to the Election Commission.

Notification No. MY-A—52 (119), New Delhi, dated 29th November 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the persons whose names and addresses are given below, as notified under Notification No. MY-A—52 (28), dated the 30th April 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act, respectively :—

Shri Lalithangadeva,
Hampapur,
Krishnarajanagar Taluk,
Mysore State.

Shri P. Venkatasubbaiah,
Periyapatna,
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

Notification No. MY-A—52 (120), New Delhi, dated 2nd December 1952.

It is hereby notified for general information that the disqualifications under clause (*c*) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (19), dated the 24th April 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act, respectively:—

Shri B. N. Ramaswamy Iyer,
No. 534, Robertsonpet,
Kolar Gold Fields,
Mysore.

P. N. SHINGHAL,
Secretary to the Election Commission.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 4807-8—L.W. 156-51-3, Bangalore, dated 10th December 1952.

The draft of the following rules which are proposed to be made in exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (Central Act VIII of 1923) and in supersession of the Workmen's Compensation Rules, 1920, issued in Notification No. D. 8914—I & C. 485-27-11, dated the 26th February 1929, No. D. 7674—I & C. 96-28-34, dated the 8th January 1930 and No. D. 3437—I. & C. 188-39-3, dated the 13th January 1940, is hereby published for the information of all persons likely to be affected thereby as required by section 34 of the said Act.

Notice is hereby given that the draft will be taken into consideration on or after the 1st April 1953.

Objections or suggestions, if any, to the draft rules may be forwarded through the Commissioner of Labour to the Secretary to Government, Law Department, Old Public Offices, Bangalore-1, for consideration so as to reach him before the said date.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,

Secretary to Government,
Law Department.

DRAFT WORKMEN'S COMPENSATION (MYSORE) RULES, 1952.

PRELIMINARY.

1. These Rules may be called the Workmen's Compensation (Mysore) Rules, 1952. **Short title.**

2. In these Rules, unless there is anything repugnant in the subject or context,— **Definition.**

(*a*) "the Act" means the Workmen's Compensation Act, 1923.

(*b*) "Form" means form appended to these Rules.

(*c*) "Section" means a section of the Act.

PART I.

Review of half-monthly payments and commutation thereof.

3. Application for review of a half-monthly payment under section 6 may be made without being accompanied by a medical certificate,— **When application may be made without Medical Certificate.**

(*a*) by the employer, on the ground that since the right to compensation was determined the workmen's wages have increased;

(*b*) by the workman, on the ground that since the right to compensation was determined his wages have diminished;

(*c*) by the workman, on the ground that the employer having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;

(*d*) either by the employer or by the workman, on the ground that the determination of the rate of a

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compensation for the time being in force was obtained by fraud or undue influence or other improper means;

(*e*) either by the employer or by the workman on ground that in the determination of compensation, there is a mistake or error apparent on the face of the record.

Procedure on application for review.

4. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

Procedure on application for commutation.

5. (1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lumpsum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue less one-half per cent of that total for each month comprised in that period:

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART II.

Deposit of Compensation and Registration of Dependants.

Deposit under section 8(1).

6. (1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8 in respect of a workman whose injury has resulted in death

shall furnish therewith a statement in Form 1, and shall be given a receipt in Form 3.

In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form 2 and shall be given a receipt in Form 3.

(2) If when depositing compensation in respect of fatal accidents the employer indicates in the statement referred to in sub-rule (1), that he desires to be made a party to the distribution proceedings, the Commissioner shall before allotting the sum deposited as compensation afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman, or as the case may be, that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (4) of section 8 shall be in Form 4.

Publication of lists of deposits.

7. The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death or injury the deposits have been made.

Application by dependants for deposits of compensation.

8. (1) A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form 9:

Provided that no such application shall be entertained, unless the applicant certifies therein that he has requested the employer to deposit compensation and that the employer has refused or omitted to do so.

(2) If compensation has not been deposited the Commissioner shall dispose of such application in accordance with the provisions of Part V of these Rules:

Provided that—

(*a*) The Commissioner may, at any time before issues are framed, cause notice to be given in such manner

as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf;

(*b*) any dependant to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3) If after completing the inquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join in the application.

Deposit under Section 8 (2).

9. An employer depositing compensation in accordance with sub-section (2) of Section 8 shall furnish therewith a statement in Form 5, and shall be given a receipt in Form 6.

Manner in which compensation may be invested under section 8.

10. Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased workman in Government Securities or may be deposited in a Government Savings Bank.

Dependants of the deceased workmen entitled to compensation.

11. Workmen coming under the operation of the Act may register with their employer, and with the Commissioner within those jurisdiction they are employed the names and addresses of their dependants within the meaning of section 2 (1)(*d*) and in an enquiry for the distribution of the compensation the Commissioner may, in the absence of any other claimant, presume that for the purposes of apportionment of compensation, the persons whose names have been so registered are the dependants of the deceased workman.

PART III. 848

Reports of Accidents.

12. The report required by section 10-B, shall subject to such Rules, if any, as may be made by Government be in the Form 7.

Report of fatal accidents.

13. (1) Any employer who has received information of an accident may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigations or inquiry which has been made into the circumstances or cause of the accident.

Right of employer to present memorandum when information received.

(2) A memorandum presented under sub-rule (1) shall, subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

PART IV.

Medical Examination.

14. A workman who is required by sub-section (1) of section 11 to submit himself for medical examination shall be bound to do so in accordance with the Rules contained in this Part and not otherwise.

Workman not to be required to submit to medical examination save in accordance with Rules.

15. When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified Medical Practitioner who is so present, the workman shall submit himself for examination forthwith.

Examination when workman and Medical Practitioner are both on premises.

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Examination in other cases.

16. In cases to which Rule 15 does not apply, the employer may—

(*a*) send the Medical Practitioner to the place where the workman is residing for the time being in which case the workman shall submit himself for medical examination on being required to do so by the Medical Practitioner, or

(*b*) send to the workman an offer in writing to have him examined free of charge by a qualified Medical Practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified:

Provided that—

(i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 P.M. and 6 A.M., and

(ii) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

Restriction on number of examinations.

17. A workman who is in receipt of a half-month payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

Examination after suspension of right to compensation.

18. If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 11 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman has so offered himself.

Examination of women.

19. (1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

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(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

PART V.

PROCEDURE.

Introductory.

20. Save as otherwise provided in these Rules, the procedure to be followed by Commissioners in the disposal of cases under the Act or these Rules and by the parties in such cases shall be regulated in accordance with the Rules contained in this Part.

Applications.

21. (1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall unless the Commissioner otherwise directs, be made in duplicate in the appropriate form, if any, and shall be signed by the applicant.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

Production of documents.

22. (1) When the application for relief is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not without the sanction of the Commissioner be admitted in evidence on behalf of the party who should have produced it.

(4) Nothing in this rule applies to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

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Application presented to wrong Commissioner.

23. (1) If it appears to the Commissioner on receiving the application that it should be presented to another Commissioner, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Commissioner to whom it should be presented.

(2) If it appears to the Commissioner at any subsequent stage that an application should have been presented to another Commissioner, he should send the application to the Commissioner empowered to deal with it and shall inform the applicant (and the opposite party if he has received a copy of the application under Rule 27), accordingly.

(3) The Commissioner to whom the application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of it had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

Examination of applicant.

24. (1) On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded, in the manner provided for the recording of evidence in section 25.

Summary dismissal of application.

25. The Commissioner may, after considering the application and the result of any examination of the applicant under Rule 24 summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

Preliminary inquiry into application.

26. If the application is not dismissed under Rule 25 the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

Notice to opposite party.

27. (1) If the Commissioner does not dismiss the application under Rule 25, or Rule 26, he shall send to the party from whom the applicant claims relief (hereinafter

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referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

Appearance and examination of opposite party.

28. (1) The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed shall, proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

Framing of issues.

29. (1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

Power to postpone trial of issues of fact where issues of law arise.

30. When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Diary.

31. The Commissioner shall maintain under his hand a brief diary of the proceedings on application.

Reasons for postponement to be recorded.

32. If the Commissioner finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponement.

Judgment.

33. (1) The Commissioner, in passing orders, shall record concisely in a judgment his finding on each of the issue framed and his reasons for such finding.

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or

arithmetical mistake arising from any accidental slip or omission.

Summoning of witnesses.

34. If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses unless he considers that their appearance is not necessary for the just decision of the case.

Exemption from payment of costs.

35. If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which had they not been remitted, would have been due to be paid, may be added to the cost of the cases and recovered in such manner as the Commissioner in his order regarding costs may direct.

Right of entry for local inspection.

36. A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings:

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

Procedure in connection with local inspection.

37. (1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(2) Such notice may be given orally or in writing and in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 10, or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

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(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and on payment of the prescribed fee shall supply any party with a copy thereof.

(5) The memorandum shall form part of the record.

Power of summary examination.

38. (1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him may examine summarily any person likely to be able to give information relative to such case whether such person has been or is to be called as a witness in the case or not, and whether any or all the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by person examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(5) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of or refusal to accept, the agreement reached.

Agreement to abide by Commissioner's decision.

39. (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

Procedure where indemnity is claimed under Section 12 (2).

40. (1) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 12 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form 11.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings: in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him:

Provided that if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall after giving notice to the aforesaid opposite party, hear such person and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(3) If any person served with a notice under sub-rule (1) whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form 12.

(4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed

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in the notice in Form 12 or on any date to which the case may be adjourned and, if he so appears shall have all the rights of a party to the proceedings; in default of so appearing, he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

Procedure in connected cases.

41. (1) Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may so far as the evidence bearing on such issue is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Commissioner shall certify under his hand on the records of any such other case the extent to which the evidence so recorded applies to such other case and the fact that the parties to such other case had the opportunity of being present, and if they were present, of cross-examining the witnesses.

Certain provisions of Code of Civil Procedure 1908 to apply.

Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, Rules 9 to 30; Order VII, Rules 9 to 18; Order IX; Order XIII; Order XVI; Order XVII; and Order XXIII, Rules 1 to 3, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto:

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Provided that—

(*a*) for the purpose of facilitating the application of the said provisions the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before him;

(*b*) the Commissioner may, for sufficient reason proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

43. Any form other than a receipt for compensation which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

Apportionment of compensation among dependants.

44. The provision of this Part, except those contained in Rules 27, 28 and 40 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

PART VI.

TRANSFER.

Transfer for report.

45. (1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of section 21 shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case so transferred for report shall not be required to report on any question of law.

Transmission of money.

46. Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 21 shall be transmitted either by remittance transfer receipt or by money order, or by messenger, as the Commissioner transmitting the money may direct.

PART VII.

APPOINTMENT OF REPRESENTATIVES.

When representative must be appointed.

47. Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who

consents to the appointment, to represent such party for the purpose of the proceeding.

48. If the Commissioner considers that the interests of any party for whom a representative has the appointed under Rule 47 are not being adequately protected by that representative, or if a person appointed to act as representative dies, or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

When new representative to be appointed.

PART VIII.

Record of Memorandum of Agreement.

49. Memorandum of agreement sent to the Commissioner under sub-section (1) of section 28 shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with Form 13 or Form 14 or Form 15, as the case may be.

Form of Memorandum.

50. (1) On receiving a memorandum of agreement, the Commissioner shall unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form 16 to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed:

Procedure where Commissioner does not consider that he should refuse to record memorandum.

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and if any party desiring the memorandum to be

recorded is not present, he shall send information to the party in Form 19.

Procedure where Commissioner considers he should refuse to record memorandum.

51. (1) If, on receiving a memorandum of agreement the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form 18 or Form 19 as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all such parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with Rule 50.

(*a*) If on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form 17 to any party who did not receive information under sub-rule (1).

Procedure on refusal to record memoranda.

52. (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lumpsum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record the estimate of the probable duration of the disablement of the workman.

53. In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form 20 and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely:— Registration of memorandum accepted for record.

"This Memorandum of Agreement bearing Serial No..... ..... of... .....195.....in the Register has been recorded this.....day of.....

(Signature)

Commissioner."

PART IX.

Costs.

54. Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing. Procedure when costs not follow the event.

55. The costs which may be awarded shall include— Costs to be awarded.

(*a*) the charges necessarily incurred on account of court-fees;

(*b*) the charges necessarily incurred on subsistance money to witnesses; and

(*c*) pleader's fee on the scale prescribed in the following rule.

56. (*a*) In any proceeding involving an application for compensation in the form of a lumpsum or for commutation or for indemnification, the pleader's fee allowable shall ordinarily be Rs. 10. Pleader's fee.

The Commissioner may, in any such proceeding for sufficient cause, reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

(*b*) In all other applications the pleader's fee shall ordinarily be Rs. 5.

The Commissioner may, in any special case, increase the fee to a sum not exceeding Rs. 20.

57. When a party engages more Pleaders than one to conduct or defend a case he shall be allowed one set of costs only. Costs when more than one Pleader is engaged.

Apportionment of costs among several Respondents.

58. If several respondents, having substantially one defence to make, succeed thereon, not more than one fee shall be allowed; and the Court shall apportion it among the several respondents in such manner as it may think fit.

When separate costs allowed.

59. If several respondents have separate and distinct defences to make, they may, if successful, be allowed separate costs, whether they are represented by separate Pleaders or not.

FEES.

Fees payable in respect of application.

60. The fees payable in respect of proceedings under the Act shall be as prescribed hereunder:—

I. Application for compensation—	
(*a*) Where compensation is claimed in the form of recurring payments under Class D of sub-section (1) of section 4.	Eight annas.
(*b*) Where compensation is claimed in the form of a lumpsum under Classes A, B or C of sub-section (i) of section 4.	(i) Where the sum claimed does not exceed Rs. 500, One Rupee; and (ii) Where the sum claimed exceeds Rs. 500, One Rupee for each sum of Rs. 500 or fraction thereof.
II. Application for commutation under Section 7—	
(*a*) Where it is by Agreement between the parties.	Eight Annas.
(*b*) In any other case	One Rupee.
III. Application for the deposit of Compensation—	
When presented under Section 8 (1) ...	Nil.
When presented under Section 8 (2) ... (In respect of each person to whom compensation is payable).	Eight annas.
IV. Application for apportionment of compensation under Section 8 (1).	One Rupee for each dependant.
V. Application for review—	
(*a*) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments under section 6 (2).	Eight annas.
(*b*) Where the half-monthly payments are sought to be converted into a lumpsum under Section 6 (2).	One Rupee.
(*c*) In all other cases.	One Rupee.

VI. Application for the registration of agreements—	
(a) Where either the application or the memorandum of agreement accompanying it is signed by both the parties under Section 28 (1).	Nil.
(b) In any other case	Eight annas.
VII. Application to summon witnesses—	
(a) When the application is to summon a single witness.	Eight annas.
(b) When the application is to summon more than one witness.	Eight annas for the first witness and four annas for every subsequent witness.
VIII. Application for indemnification under section 13.	Three Rupees.
IX. Application for the recovery of compensation—	
(a) Under an order already passed by the Commissioner.	Eight annas.
(b) In all other cases	The same fee as is payable on a similar application for compensation.
X. All applications not otherwise provided for.	Eight annas.

61. In the case of any application falling under head "X" the Commissioner may, if he thinks fit, permit the application to be made without fee. When application may be without fee.

Where the Commissioner grants relief of a different kind from or to a greater extent than that claimed by the applicant and if the fee which would have been payable on an application for the relief which the Commissioner grants is greater than the fee which has actually been paid, the Commissioner shall require the applicant to deposit the difference. The order shall not be executed until the difference is paid. When applicant is required to deposit further fee.

63. All fees payable under these rules shall be collected in the manner prescribed by the Court Fees Act. Manner of collecting fees.

64. The following registers shall be maintained by the Commissioner:— Registers to be maintained by the Commissioner.

(1) A register in Form 1 of application for the settlement of any matter filed before the Commissioner;

(2) A register in Form 2 of *sub-poena* applications filed before the Commissioner;

(3) A register in Form 3 of processes delivered for service on parties;

(4) A register in Form 4 of Court Fees on all applications filed before the Commissioner;

(5) A register in Form 5 of deposits received from and re-payments made to parties;

(6) A register in Form 6 of miscellaneous applications filed before the Commissioner; and

(7) A register in Form 7 showing the receipt and disposal of application for copies of records.

65. (1) All applications presented to the Commissioner shall be headed with a cause-title as in Form 28.

(2) All proceedings subsequent to an original application or petition may be headed with a short cause-title as in Form 29.

Particulars to be furnished in the application.

66. The full name, residence and description of each party and if such is the case, the fact that any party proceeds or is proceeded against in a representative character, shall be set out at the beginning of the application or petition as in Form 30 and need not be repeated in the subsequent proceedings in the same application or petition.

List of documents filed.

67. Every application shall, at the foot thereof, contain a list to be signed by the applicant or his representative of the documents filed therewith in Form 31 or a statement signed, as aforesaid, that no document is filed therewith.

Manner of presenting applications.

68. All applications, written statements and other proceedings and documents may be presented to or filed in Court by delivering the same personally to the Chief Ministerial Officer of the Court at any time during office hours or by sending them by registered post to that officer. The said officer shall at once endorse on the document the date of presentation or receipts by registered post, and if proceedings are thereby instituted shall insert the serial number.

Right of party to inspect and obtain copy of document.

69. Without prejudice to anything contained in the Act or in the rules framed thereunder by the Government or in these rules, a party shall be at liberty to inspect and obtain a copy of any document receipted or referred to in an application or written statement and filed in Court therewith.

70. Every party and his representative desiring to inspect or to obtain copy of any proceedings filed in Court by him or any other party or a Commissioner or Officer of Court, or any other record relating to the application or matter to which he or his client is a party, shall present a memorandum in Form 32 specifying the proceedings or record of which inspection or copy is required.

Procedure for inspecting and obtaining copy of documents.

71. An application for inspection or copies of records or documents of, or in the custody of a Court other than records or documents filed in an application or proceeding or matter to which the applicant is a party shall be made in Form 32 and shall be supported by an affidavit stating whether the applicant has any and if so, what interest in the subject matter of the document or of the proceeding in which the record or document is filed, the purpose for which inspection or copy is required and if the same is required for the purpose of an intended or pending proceeding, the nature of the said proceeding and the relevancy of the record or document to the case of the applicant.

Form of application for inspection of documents.

The Court may, in its discretion, grant or refuse leave to inspect or to obtain a copy of the record or document applied for after causing notice of the application to be given to the parties to the said proceedings, if it thinks necessary.

Discretion of Court to grant copies, etc.

72. When a person is entitled to inspect a proceeding or document, the search therefor shall be made by the officer of the Court and such person shall be allowed to read the proceedings or document which he is entitled to inspect or to have it read to him and to make a short memorandum of the date and nature thereof so as to enable him to describe it sufficiently in case a copy is required, but except where otherwise expressly provided by these rules he shall not be entitled to take a copy of the proceedings or document or any part thereof or to make extracts therefrom.

Procedure in inspecting documents.

73. All copies furnished by the Court shall be certified to be true copies and shall be sealed with the seal of the Court. The Chief Ministerial Officer of the Court shall initial every alteration and interlineation in the copy and shall sign a certificate at the foot thereof that the same is a true copy and shall also state the number of alterations and interlineations made therein.

Certification of copies of documents.

Endorsements of copies of documents.

74. Every copy shall bear an endorsement showing the following dates:—

(1) application made;
(2) stamp papers or charges called for;
(3) stamp papers or charges deposed;
(4) copy ready; and
(5) copy delivered or posted.

Fees payable to be in stamp paper.

75. (1) One stamp paper of the value of two annas shall be brought in for every 175 words or fraction of 175 words.

(2) Four figures shall be taken as equivalent to one word and vernacular words with short suffixes and inflections shall be counted as one word.

(3) Cost of copying maps, plans, genealogical trees, tabular statements or other work requiring skilled labour shall be fixed by the Commissioner and deposited in Court in cash:

Provided that the Commissioner may, in the case of poverty of the applicant, grant copies free of cost notwithstanding the provisions contained in sub-rules (1) and (3).

Procedure on receipt of application for grant of copies.

76. (1) On receipt of an application for copies of records or documents, notice shall be given by post to the applicant of the number of stamp papers required and the amount to be deposited in cash.

(2) If the required stamp papers or cash are not received within a fortnight from the date of notice, the application shall be struck off.

(3) The procedure above described shall also apply to calls for additional stamp paper or cash when the first supply has been found to be insufficient.

(4) The applicant may in his application for a certified copy apply that the same may be delivered to him in person or through the post at a specified address and the copies shall be delivered accordingly and if the applicant so requires by a registered post. If any such copy is not claimed by the applicant within 12 months from the date on which it was ready, the copy shall be destroyed.

(5) If a document of which a copy or inspection is sought is not found on record, the applicant shall be entitled to a certificate to that effect.

(6) If any party or representative wishes to inspect an original record or document with a view to ascertain its probable age or discover erasures or interpollations

therein, he shall do so in open Court at the hearing of the application.

77. (1) The notice sent by the Commissioner under sub-section (1) of section 10-A shall be in Form 39 and shall be accompanied by a copy of Form 40. Form of notice by the Commissioner.

78. Notice books in Form 41 shall be maintained in all establishments specified below wherein 1,000 workmen or more are employed :— Notice Books maintained by establishments.

(a) Textile Mills.
(b) Jute Mills.
(c) Railway Workshops.
(d) Distilleries.

PART X.

SILICOSIS.

79. (a) The rules in this chapter apply to all industries specified in Schedule A of these rules. The Government may from time to time add to or vary the schedule. Industries to which these rules are applicable.

(b) They shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.

80. In these rules, unless there is anything repugnant in the subject or context,— Definition.

(a) "Initial Examination" means examination prescribed under Rule 87 (a) of the rules.

(b) "Periodical Examination" means examination prescribed under Rule 87 (d) of these rules.

(c) "Examiner" means Registered Medical Practitioner whose name appears in the list published by Government in the Official Gazette as prescribed in Rule 84 of these rules.

(d) "Mining" as specified in Schedule A of these rules shall be construed as a reference to underground work or employment beneath the surface: to work or employment upon or about rock crushers in a rock crushing station and to work or employment in a sample crushing room or assay office or on any tailings dump.

81. For the purpose of these Rules, Silicosis shall mean Silicosis of the lungs. Meaning of Silicosis.

Several stages of Silicosis.

82. A person shall, for the purposes of these rules, be deemed to have or to have had Silicosis,—

(*a*) In the ante-primary stage, when it is found on Medical and Radiological Examination that the earliest detectable specific physical signs of Silicosis are or have been present, whether or not capacity for work is or has been impaired by such Silicosis.

(*b*) In the *Primary Stage*, when it is found on Medical and Radiological Examination that definite and specific physical signs of Silicosis are or have been present and that capacity for work is or has been impaired by that disease though not seriously and permanently.

(*c*) In the *Secondary Stage*, when it is found on Medical and Radiological Examination that definite and specific physical signs of Silicosis are or have been present and that capacity for work is or has been seriously and permanently impaired by that disease.

(*d*) Silicosis with active Tuberculosis is equivalent to the secondary stage.

Application for compensation.

83. (*a*) Every workman who desires the grant of compensation under these rules, shall apply to the Commissioner in whose jurisdiction he resides in Form 33 in duplicate.

(*b*) Application for compensation by dependants shall be made in Form 34 and shall be transmitted in duplicate to the Commissioner.

Empowering Medical Practitioners to carry out examination, etc.

84. *Medical Examination.*—The Government shall under these rules publish, from time to time, in the Official Gazette the names of Registered Medical Practitioners who are empowered to carry out examinations and issue certificates.

Ex-Officio Medical Examiners.

85. Government may also appoint Medical Officers in service as *Ex-Officio* Examiners for the purposes of examination and issue of certificates.

Establishment of Medical Bereau.

86. (*a*) Government shall establish a Medical Bureau consisting of three or more Medical Practitioners or Officers with special knowledge of the diseases of the lungs and respiratory organs : and the Commissioner may, in cases of doubt, or shall, in cases where the employer or the workman is dissatisfied with the certificate granted under these rules, refer the case to the Bureau.

(*b*) In all such cases the applicant shall be X-rayed and clinically examined. The findings of the Bureau shall be final.

87. (a) Any applicant desiring to work in any of the industries specified in Schedule A, after these rules have come into force, shall submit himself to a Medical Examination by an examiner before whom he shall be caused to appear by the employer.

Medical Examination of applicant for work.

(b) The examiner shall make such examination (including stethoscope examination) of the applicant as will enable him to fill in correctly the initial certificate in Form 35 that he is free from any disease of the lungs and respiratory organs and is, in other respects, physically fit for the work for which a certificate is sought.

(c) Such certificate shall be transmitted to the applicant and shall be valid for a period not exceeding five years.

(d) After the initial examination, every workman shall be brought before an examiner by the employer for Medical Examination at intervals of not more than five years over a period not exceeding ten years, and thereafter at two yearly intervals.

(e) After every examination subsequent to the initial examination, a certificate in Form 36 stating that the workman is not suffering from Silicosis or a certificate in Form 37 stating that the workman is suffering from Silicosis and in what stage, shall be issued and it shall be the duty of the employer to inform the workman of the contents thereof.

88. (a) Every workman who is already in service at the time of these rules coming into force, if he desires to become eligible for the benefits under these rules, shall be duly medically examined by an examiner before whom he will be caused to appear by the employer and if found suffering from Silicosis as defined in Rule 82, he shall be entitled to compensation as provided for in the Act.

When workman already in service entitled to compensation.

(b) If it is found not possible for such workman to be present for initial examination and if he is not examined on the day he presents himself, his name shall be entered in a register maintained for such a purpose and he shall be deemed to have complied with the rules, provided that he reports himself for examination without delay, on being notified subsequently by the employer, of a date and hour on which the examination will be carried out.

When workman is deemed to have been medically examined.

89. (a) Wherever the Commissioner considers it necessary to be satisfied by post-mortem examination whether a deceased workman had Silicosis and having

Post-mortem Examination for Silicosis.

obtained the previous consent of the legal representatives of the deceased, to the performance of such post-mortem examination, he may request any Government Medical Officer, to conduct such an examination and send him a copy of Form 38 to be filled in by him. A Medical Examiner nominated by the employer shall be given an opportunity to be present at such post-mortem examination and shall either agree or disagree with the findings of the Government Medical Officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

(*b*) The Medical Officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form 38 and if Silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

SCHEDULE 'A'

[*See note above Form* 1]

Industries involving exposure to the risk of Silicosis.

1. Mining—Gold.
2. Porcelain and Pottery Industries
3. Cement Industry
4. Glass Industry
5. China Clay and Talc Industries
6. Sandstone Industry
7. Quarrying or Crushing or Cutting of Stones
8. Manufacture of Bricks and Tiles
9. Foundries and Metal Works.

FORM 1.

(*See Rule* 6 (1).

Deposit of Compensation for Fatal Accident.

[Section 8 (1) of the Workmen's Compensation Act].

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries resulting in the death of workman, whose particulars are given below, which occurred on.....

Name.....

Father's name.....

(Husband's name in case of married woman or widow).

Caste.....

Local Address.....

Permanent Address.....

His/Her monthly wages are estimated at Rs.....He was over/under the age of 15 years at the time of his/her death.

2. The said workman has, prior to the date of his/her death received the following payments as compensation for disablement, namely:—

Rs..... on..... Rs..... on.....
Rs..... on..... Rs..... on.....
Rs..... on..... Rs..... on.....

amounting in all to Rs.....

3. An advance of Rs..... has been made on account of compensation to ..... being his/her dependant.

4. I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

.....

Date ..... 195 . Employer.

868

FORM 2.

[*See Rule* 6 (1).]

Deposit of Compensation for non-fatal accident to a woman or person under legal disability.

[Section 8 (1) of the Workmen's Compensation Act].

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries sustained by ..... residing at ..... on ..... 195 resulting in the loss of—temporary disablement. His/Her monthly wages are estimated at Rs ..... He/She was over/under the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half-monthly payments, namely :—

Rs..... on ..... Rs..... on .....
Rs..... on ..... Rs..... on .....
Rs..... on ..... Rs..... on .....

.....

Date ..... 195 . Employer.

FORM 3.

[*See Rule* (6)]

Receipt and Compensation.

[Deposited under Section 8 (1) of the Workmen's Compensation Act, 1923].

Book No. Receipt No. Register No.

Depositor..... .....

Deceased Workman.....

Date of deposit ..... 195 .

Sum deposited Rs.....

.....

Commissioner.

FORM 4. 869

(*See Rule* 6).

Statement of Disbursements.

[Section 8 (4) of the Workmen's Compensation Act, 1923].

Serial No.....

Depositor.....

Date.		Rs.
	Amount deposited	
	Funeral expenses paid	
	Compensation paid to the following dependants Name Relationship	
	Total	

.....

Date.....19 . Commissioner.

970

FORM 5.

(*See Rule* 9).

Deposit of Compensation for Non-fatal Accidents.

[Section 8 (2) of the Workmen's Compensation Act, 1923].

Compensation amounting to Rs... ..... is hereby presented for deposit in respect of permanent / temporary injuries sustained by .....residing at ..... which occurred on ..... 195 .

.....

Date .....19 . Employer.

FORM 6.

(*See Rule* 9).

Receipt for Compensation.

[Deposited under Section 8 (2) of the Workmen's Compensation Act, 1923].

Book No. Receipt No. Register No.

Depositor.....

In favour of.....

Date of deposit.....195 .

Sum deposited Rs.....

.....

Commissioner.

FORM 7. 871

(*See Rule* 12).

Report of Fatal Accidents.

To.....

Sir,

I have the honour to submit the following report of an accident which occurred on ..... (date), at ..... (here enter details of premises)..... ... and which resulted in the death of the workman/workmen of whom particulars are given in the statement annexed.

2. The circumstance attending the death of the workman/workmen were as under:—

(*a*) Time of the accident.

(*b*) Place where the accident occurred.

(*c*) Manner in which deceased was/were employed at the time.

(*d*) Cause of the accident.

(*e*) Any other relevant particulars.

Yours faithfully.

.....

Signature and designation of person making the report.

STATEMENT.

Name	Sex	Age	Nature of employment	Full Postal address
(1)	(2)	(3)	(4)	(5)

872

FORM 8.

[*See Rule* 21].

APPLICATION FOR COMPENSATION BY WORKMAN.

To

The Commissioner for Workmen's Compensation.

.....

.....

residing at.....applicant.

Versus

.....

residing at.....Opposite party.

It is hereby submitted that—

(1) the applicant, a workman employed by (a contractor with) the opposite party on the.....day of .....195 .....received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....

.....

.....

(2) the applicant sustained the following injuries, namely :—

.....

.....

(3) the monthly wages of the applicant amounted to Rs..... .... the applicant is over/under the age of 15 years.

*(4) (*a*) Notice of the accident was not served on the..... .....day of.....

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of.....

(5) the applicant is accordingly entitled to receive :—

(*a*) half-monthly payments of Rs..... from the..... day of.....195 .....to.....

(*b*) a lumpsum payment of Rs.....

(6) the applicant has taken the following steps to secure a settlement, by agreement, namely.....

.....

but it has proved impossible to settle the questions in dispute because

.....

*You are therefore requested to determine the following questions in dispute, namely :—

(*a*) Whether the applicant is a workman within the meaning of the Act;

(*b*) Whether the accident arose out of and in the course of the applicant's employment;

(*c*) Whether the amount of compensation claimed is due, or any part of that amount;

(*d*) Whether the opposite party is liable to pay such compensation as is due.

.....

Dated the..... Applicant.

873

FORM 9.

[SEE RULE 21].

APPLICATION FOR ORDER TO DEPOSIT COMPENSATION.

To—The Commissioner for Workmen's Compensation.

.....

.....

residing at.....applicant.

Versus

.....

residing at.....Opposite party.

It is hereby submitted that—

(1).....a workman employed by (a contractor with) the opposite party on the..... day of.....195 .....received personal injury by accident arising out of and in the course of his employment resulting in his death on the..... .....day of.....195 .

The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....

.....

(2) The applicant (s) is a/are dependant (s) of the deceased workman, being his.....

(3) The monthly wages of the deceased amount to Rs..... The deceased was over/under the age of 15 years at the time of his death.

*(4) (*a*) Notice of the accident was served on the..... day of .....195 .

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of.....

.....

(5) The deceased before his death received as compensation the total sum of Rs.....

(6) The applicant (s) is/are accordingly entitled to receive a lumpsum payment of Rs.....

(7) The applicant (s) has/have requested the opposite party to deposit compensation and the latter has refused/omitted to do so.

*You are therefore requested to determine the following questions in dispute, namely—

(*a*) whether the deceased was a workman within the meaning of the Act.

(*b*) whether the accident arose out of and in the course of the deceased's employment.

(*c*) whether the amount of compensation claimed is due, or any part of that amount,

(*d*) whether the opposite party is liable to pay such compensation as is due.

(whether the applicant (s) is a/are dependant (s) of the deceased.

(*f*) how the compensation, when deposited, should be distributed.

(*g*) etc.. (as required).

.....Applicant

Date.....

*Strike out the clauses which are not applicable.

874

FORM 10.

[SEE RULE 21]

APPLICATION FOR COMMUTATION.

(Under Section 7 of the Workmen's Compensation Act, 1923).

To—The Commissioner for Workmen's Compensation.

.....

residing at.....applicant.

Versus

.....

residing at.....opposite party.

It is hereby submitted that—

(1) The applicant/opposite party has been in receipt of half-monthly payments from.....to.....in respect of temporary disablements by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (*a*) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(*b*) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payment should be redeemed.

You are therefore requested to pass orders—

(*a*) directing that the right to receive half-monthly payments should be redeemed.

(*b*) fixing a sum for the redemption of the right to receive half-monthly payments.

.....Applicant.

Date.....

FORM 11.

[SEE RULE 40]

NOTICE.

Whereas a claim for compensation has been made by..... applicant against.....and the said..... has claimed that you are liable under Section 12(2) of the Workmen's Compensation Act, 1928, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on ....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party, in default of your appearance, you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

.....

Commissioner.

Date.....19

875

FORM 12.

NOTICE.

Whereas a claim for compensation has been made by ....applicant, against.....and the said.....has claimed that..... .....is liable under Section 12 (2) of the Workmen's Compensation Act, to indemnify him against any claim, and whereas the said.....on notice served has claimed that you..... ....stand to him to the relation of a contractor from whom the applicant.....could have recovered compensation you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the said applicant or the claim for indemnity made by the opposite party..... In default of your appearance you will be deemed to admit the validity of any award made against the opposite party..... .... your liability to indemnify the opposite party..... ..... for any compensation recovered for him.

.....

Commissioner.

Date.....*19*

876

FORM 13.

(*See Rule 49*).

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the ..... day of..... .....195 , personal injury was caused to..... .....residing at.....by accident arising out of and in the course of employment in..... .....The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning $\frac{\text{more than his previous}}{\text{any}}$ wages for a period of.....months. The said workman has been in receipt of half-monthly payments which have continued from the.....day of.....195 , until the .....day of .....195 . amounting to Rs.....in all. The said workman's monthly wages are estimated at Rs. .....

The workman $\frac{\text{is over the age of 15 years}}{\text{will reach the age of 15 years on}}$

It is further submitted that.....the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs. .....in full settlement of all and every claim under the Workmen's Compensation Act, 1928, in respect of all disablement of a temporary nature arising out of the said accident whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated..... . .....

Signature of employer.....

Witness .....

Signature of workman .....

Witness .....

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party as agreed to the terms. But both signature should be appended whenever possible.)

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs. .....

.....

.....Workman.

Date.....*19* .

The money has been paid and this receipt signed in my presence.

Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

877

FORM 14.

(See Rule 49).

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the.....day of..... .....19 , personal injury was caused to..... residing at.....by accident arising out of and in the course of his employment in..... ..... The said injury has resulted in permanent disablement to the said workman of the following nature, namely..... The said workman's monthly wages are estimated at Rs. ....The workman is $\frac{\text{over the age of 15 years}}{\text{will reach the age of 15 years on}}$

The said workman has, prior to the date of this agreement, received the following payments, namely :—

Rs. ..... on.....Rs. .....on .....

Rs. .....on.....Rs. .....on .....

Rs. ... .on.....Rs. .....on .....

It is further submitted that.....the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs.....in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of employer.....

Witness .....

Signature of Workmen.....

Witness .....

NOTE.—An application to register an agreement can be pressed under the signature of one party provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.....

.....Workman.

Date.....

The money has been paid and this receipt signed in any presence.

.....

Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

878

FORM 15.

(See Rule 49).

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the..... ..... day of ....19 .....personal injury was caused to.....residing at ..... by accident arising out of and in the course of employment in..... ....The said injury has resulted in temporary disablement to the said workman, who is at present in receipt of..... .... Wages amounting to Rs..... .....per month, / no wages

The said workman's monthly wages prior to the accident are estimated at Rs. ....The workman is subject to a legal disability by reason of.....

It is further submitted that.....the employer of the workman has agreed to pay and ....on behalf of the said workman has agreed to accept half-monthly payments at the rate of Rs. .....for the period of the said temporary disablement. This agreement is subject to the condition that the amount of half-monthly payments may be varied in accordance with the provisions of the Workmen's Compensation Act on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Act are un-affected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated.....195 .

Signature of employer.....

Witness .....

Signature of workman.....

Witness .....

NOTE.—An application to register an agreement can be presented under the signature of one party provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs. .....

.....Workman.

Date.....19 .

This money has been paid and this receipt signed in my presence.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, etc.

879

FORM 16.

(*See Rule* 50).

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas.....has/have applied for registration of the agreement under Section 27 of the Workmen's Compensation Act, notice is hereby given that the said agreement will be taken into consideration on.....19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

....

Date.....*19* *Commissioner.*

FORM 17.

(*See Rules* 50 *and* 51.)

Take notice that registration of the agreement to pay compensation said to have been reached between you..... .....and on the.....19 , has been refused for the following reasons, namely :—

.....

.....

Date.....*19* *Commissioner.*

FORM 18.

(*See Rule* 47).

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas .....has/have applied for registration of the agreement under Section 27 of the Workmen's Compensation Act, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....

.....

an opportunity will be afforded to you of showing cause on..... .....19 . why the said agreement should be registered. If not adequate cause is shown on that date, registration of the agreement will be refused.

.....

Date.....*19* *Commissioner.*

880

FORM 19.

(*See Rule* 51).

Whereas an agreement to pay compensation is said to have been reached between .....and..... whereas has/have applied for registration of the agreement under Section 27 of the Workmen's Compensation Act, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

....

an opportunity will be afforded to the said..... of showing cause on.....19 .... why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

.....

Date.....19 . *Commissioner.*

FORM 20.

(*See Rule* 53).

Register of Agreements for the year 19 .

Serial No.	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference to orders rectifying the registration.
1	2	3	4	5	6	7

.....

Date.....19 . *Commissioner.*

881

FORM 21.

(*See Rule* 64).

Register of applications of the settlement of any matter under the Workmen's Compensation Act, XIV of 1928, in the year .....

(1) Date of presentation or receipt of application.
(2) Number of application.
(3) Name
(4) Description } of applicant.
(5) Address
(6) Name
(7) Description } of the opposite party.
(8) Address
(9) Particulars
(10) Amount of value } of claim.
(11) When the cause of action accrued

Appearance—

(12) Applicant } Day for parties to appear.
(13) Opposite party
(14) Date
(15) For whom } Judgment.
(16) For what or amount
(17) Date of decision
(18) Judgment in
(19) Date of application
(20) Date of order
(21) Against whom } Execution.
(22) For what
(23) Amount, if any
(24) Amount of costs
(25) Amount paid into Court
(26) Minute of other return than payment and date of every return. } Return of execution.

NOTE.—Where there are numerous applications or numerous opposite parties the name of the first applicant or the first opposite party, only as the case may be, need be entered in the register.

FORM 22.

(*See Rule* 64).

Register of *sub poena* applications filed in the Court of the Commissioner for Workmen's Compensation.

Serial number and date of receipt.	Settlement application number	Applicant's name	Applicant's position in the settlement application	Process fees		Checking Officer's initials	Date of hearing	Date of issue	Names of witnesses	Batta deposited	To whom delivered for service and date of payment	Mode of service	Unexpected Batta		Date of payment to Treasurer and his initials	Remarks
													Date of return	Amount		
1	2	3	4	5		6	7	8	9	10	11	12	13	14	15	16
				Rs.	A.									Rs. A.		

882

FORM 23.

(*See Rule No.* 64).

Register of Processes delivered for Service.

Serial No.	Settlement application number	Nature of process	Number of copies	Date of delivery for service	Returnable date	When returned	Mode of Service		Initials of Clerk	Remarks
							Served	Unserved		
1	2	3	4	5	6	7	8	9	10	11

FORM 24.

(*See Rule No.* 64).

Register of Court fees on applications filed in the Court of the Commissioner for Workmen's Compensation.

Serial number	Settlement application number	Nature of application	Court fee		Process fees		Search fees		Remarks
1	2	3	4		5		6		7
			Rs.	a.	Rs.	a.	Rs.	a.	

FORM 25.

(*See Rule* 64).

Register of deposits received from and re-payments made to parties.

Receipts.—

(1) Date
(2) Number of each deposit.
(3) Reference to application.
(4) From whom received and position of depositor.
(5) Nature of each deposit.
(6) Amount of each deposit.
(7) Initials of the Chief Ministerial Officer.

Re-payments.—

(8) Date.
(9) To whom and position of recipient.
(10) Reference to and date of Commissioner's Order ordering re-payment.
(11) Amount and whether paid in cash or by cheques.
(12) Initials of the Chief Ministerial Officer.

FORM 26.

(*See Rule No.* 64).

Statement showing the number of Miscellaneous applications filed in the Court of the Commissioner for Workmen's Compensation.—

Serial number	Application number	Date of file	Nature of applications	Date of hearing	Date of disposal	Orders
1	2	3	4	5	6	

FORM 27.

(*See Rule 64*).

Register showing the receipt and disposal of applications for copies in the Court of the Commissioner for Workmen's Compensation.

Month and date	General Number	No. of Application	Name of applicant	Description of paper	Charges			Given to Copyist		Given to Examiner		Copy ready			Date of delivery of copy and return of unused stamps	Signature of Applicant
					When called for	When deposited	No. of stamps	Date	Initials	Date	Initials	Date	Number of Stamps			
													Used	Not used		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

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FORM 28.

(*See Rule* 65).

CAUSE TITLE.

IN THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION.

Application No. of 19 .

Between

(1) T. Ramaswami Chetti and (2) T. Sivaswami ... *Applicants.*

And

(1) M. Muniswami Pillai and (2) M. Ramaswami Pillai... *Opposite parties.*

FORM 29.

[*See Rule* 65 (2).]

SHORT CAUSE TITLE.

IN THE COURT OF THE COMMISSIONER FOR WORKMEN'S COMPENSATION.

Application No. of 19 .

Between

(1) T. Ramaswami Chetti and five others ... ...*Applicants.*

And

(2) M. Muniswami Pillai and four others ... *Opposite parties.*

FORM 30.

(*See Rule* 66)

(CAUSE TITLE.)

Application.

The abovenamed applicants state as follows :—

(1) T. Ramaswami Chetti, the first applicant is a workman and resides at.....

(2) .....

The address of the applicants for service of all notices and process is.....

2. M. Muniswami Pillai, the first named opposite party is the employer of.....and resides at.....

3. (Set out the facts showing the cause of action, in consecutive numbered paragraphs).

4. The applicants estimate value of the relief sought by them at the sum of Rs.....

5. The applicants pray that.....

(*a*) Set out reliefs claimed in successive paragraphs).

(Sd.) T. RAMASWAMI CHETTI.

FORM 31.

(*See Rule* 67).

List of Documents under Rule..... .....

(CAUSE TITLE).

Serial No. 1	Date, if any, of document in Vernacular and in English. 2	Parties to the document 3	Description of document 4

Signed.....

Applicant or (opposite party) or pleader or representative of the applicant or opposite party.

FORM 32.

(*See Rules* 70 *and* 71).

FORM OF APPLICATION FOR SEARCH OF RECORDS.

To

The Commissioner for Workmen's Compensation.....

The undersigned hereby applies for inspection.

Name and address of applicant in full	Description of records as far as possible	Whether copy or inscription is required	Purpose for which inspection or copy is required	Order of Court, if any, under which application is made

Dated... .....19 Signature of Applicant.

FORM 33.

THE WORKMEN'S COMPENSATION RULES.

Application for Payment of Compensation.

I, the undermentioned workman, hereby apply, under the Workmen's Compensation Rules, for compensation for Silicosis contracted in the course of my employment.—

1. Name in full ... ...
2. Address in full ... ...
3. Names and addresses and relationship of dependants. .....
4. Name of the employer under whom the workman worked last with record of service. .....
5. Particulars of earnings ... .
6. Particulars of claim ... .

I hereby declare that what is stated above is correct.

To Signature of the applicant

The Commissioner for Workmen's Compensation,
.....District,
.....

FORM 34.

THE WORKMEN'S COMPENSATION RULES.

Application for Compensation by a Dependant.

I, or we, the dependant or dependants of the deceased workman named.....an employee in the..... (name of the concern or firm) apply for compensation for Silicosis contracted by the workman in the course of his employment and as a result of which he died.

1. Name(s) of dependant(s) in full ... .
2. Address ... ...
3. Age ... ...
4. Relationship to the deceased workman .....
5. Occupation ... ...
6. Particulars of earnings ... .
7. Particulars of claim ... ...
8. Name of the deceased workman in full with name of last employer and record of service thereunder. .....
9. Date of his death ... ...
10. Cause of his death (Post-mortem certificate to be attached). .....

I/We hereby declare that I am/we are the..... of the late.....and the statements contained in the above application form are true and correct.

Signature (s) of the applicant (s).

FORM 35.

THE WORKMEN'S COMPENSATION RULES.

Initial Certificate.

(Issued without alteration).

Expires..... Name of concern or firm.....

Name in full.....Address.....

This is to certify that the abovenamed applicant on the ....day of.....195.....underwent the examination prescribed by Rule 85 (a) of the Workmen's Compensation Rules of 195..., and was then free from any disease of the lungs and respiratory organs and was in other respects physically fit for work in industries specified in Schedule 'A'

Signature or left thumb impression of applicant.

Marks of identification:—

(1)

(2)

Place.....
Date.....

Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on.....and will be of no effect after that date.

FORM 36.

THE WORKMEN'S COMPENSATION RULES.

Periodical Certificate.

(Issued without alteration).

Name in full ..... Expires on.....

Address .....

This is to certify that the abovenamed workman on the .... day of ..... 19 , underwent medical examination prescribed by Rule 85 (d) of the Workmen's Compensation Rules and that he was not then suffering from Silicosis.

Signature or left thumb impression of the Workman.

Marks of identification :—

(1)

(2)

Place .....

Date .....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the ..... and will be of no effect after that date.

FORM 37.

THE WORKMEN'S COMPENSATION RULES.

(Issued without alteration)

Expires on .....

Name in full ....

Address ....

This is to certify that the abovenamed workman on the ....day .... 195 , underwent medical examination prescribed by Rule 85 (d) of the Mysore Workmen's Compensation Rules and that he was then suffering from Silicosis.

(State stage).

Signature or left thumb impression of the Workman.

Marks of identification :—

(1)

(2)

Place .....

Date .....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the ..... and will be of no effect after that date.

FORM 38.

THE WORKMEN'S COMPENSATION RULES.

Report of Post-mortem Examination.

I have this day at ... . made a post-mortem examination on a body.

Name .....

Address .....

Designation .....
and as a result of my examination I find (here state what diseases were found to be present)
and I certify that the cause of death was .....
.....
and the deceased was (not) at the time of his death suffering from Silicosis ..... or ..... that Silicosis was (not) present as a contributing or ..... pre-disposing factory or cause of his death .... or ... . that Silicosis was a contributing but not a pre-disposing cause of his death ..... or ..... that Silicosis was a pre-disposing but not a contributing cause of his death. (If silicosis were present as contributing or a pre-disposing cause of death, state the condition found in the organs stated below and comply with the provision of Rule 87 printed below).

Hilar Glands

Pleura ... { Right / Left

Lungs ... { Right / Left

Any abnormalities in other organs.

Address ....
Dated .... } Medical Practitioner.

N.B.—1. Strike out inapplicable clauses and attest.

87. (*a*) Whenever the Commissioner considers it necessary to be satisfied by post-mortem examinations whether a deceased workman had Silicosis and having obtained the previous consent of the legal representative of the deceased, to the performance of such post-mortem examination, he may request any Government medical officer to conduct such an examination and send him a copy of Form 38 to be

filled in by him. A Medical Examiner nominated by the employer shall be given an opportunity to be present at such post-mortem examination and shall either agree or disagree with the findings of the Government Medical Officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

(*b*) The Medical Officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form 38 and if silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

FORM 39.

Whereas I have received information that*..... a workman employed by you in at †..... has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with Section 10-A of the Workmen's Compensation Act, 1923, to submit to me within thirty days of the receipt of this notice a statement in the enclosed form with the particulars required in paragraphs 1 and 2 and the particulars required either in paragraph 3 or in paragraph 4, duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under Section 10-A-(2) of the Act, be made within thirty days of the receipt of this notice.

Commissioner for Workmen's Compensation.

*Insert name of workman. †Insert name of establishment.

FORM 40.

In reply to your notice, dated the .....19 , which was received by me on the ..... 19 , it is submitted that *..... residing at .... a workman over/under 15 years of age employed in † ..... met with an accident on the .....19 , as a result of which he died on the .....19 . The monthly wages of the deceased amounted to Rs. .....

2. The circumstances in which the deceased met his death were as follows :—

(One of these paragraphs to be struck out.)

3. I admit liability to pay as compensation, on account of the deceased's death, the amount of Rs. ..... which was/will be deposited with you on/before the .....19 .

4. I disclaim liability to pay compensation on account of the deceased's death on the following grounds :—

5. The name and addresses of the dependants of the deceased so far as known to me are :—

.....

EMPLOYER.

*Insert name of workman. † Insert name of establishment.

FORM 41.

Form of Notice Book required to be maintained under Section 10 (3) of the Workmen's Compensation Act, 1923.

Date of accident and time, if known	Name of workman injured	Address of workman injured	Cause of injury	Date and time of notice	Thumb impression or signature of person giving notice
1	2	3	4	5	6

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. S.D 6059—C. 21-52-72, dated Bangalore, 10th December 1952.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with the Government of India Ministry of Food Notification No. S.R.O. 703, dated 4th October, 1950, as amended by Notification No. C. G. 603 (3)—XXI (1), dated 21st July 1951 and with the concurrence of the Central Government, the Government of Mysore are pleased to make the following Order, namely :—

ORDER

1. Notwithstanding anything contained in the Order made in Notification No. S.D. 5224—C. 69-49-13, dated 17th December 1949 as amended in Notification No. S.D. 10145—C. 36-51-214, dated 28th March 1952, no person other than the keeper of a Rice Mill who keeps a Huller for hulling paddy, shall hull or undertake to hull paddy or polish or undertake to polish rice, by means of his huller, in the districts of Mysore, Mandya, Shimoga, Hassan and Chickmagalur up to 1st April, 1953.

2. No person shall manufacture "ಪುರಿ" (Puri) in Mysore, Mandya, Shimoga, Hassan and Chickmagalur Districts up to 1st April, 1953.

By Order and in the name of the Rajpramukh,

N. PUTTARANGASWAMY,

Chief Secretary to Government.

NOTIFICATION.

No. Fl.(B) 10890-990—T.S. 17-52-1, dated Bangalore, 12th December 1952.

In exercise of the powers conferred by section 6 of Mysore Health Cess Act, 1951 (Mysore Act XVIII of 1951) and in supersession of Government Notification No. M. 17627—P.H. 46-51-5, dated the 28th December 1951, the Government of Mysore are pleased to make the following rules :—

Title.

1. These Rules may be called the Mysore Health Cess Rules, 1952.

2. In these rules,

Definitions.

(1) "Act" means the Mysore Health Cess Act, 1951 ;

(2) "Section" and "Sub-section" mean a section and sub-section of the Act ;

(3) All other expression shall have the meanings respecively assigned to them in the Act.

Levy of cess only on whole rupees.

3. The health cess levied under the Act shall be calculated on whole rupees and not on any fraction of a rupee.

Mode of recovery of cess.

4. The health cess levied under sub-section (1) of section 3 shall be recovered in the following manner, namely :—

(*i*) on all items of land revenue in the same manner in which the said items of land revenue are recovered ;

(*ii*) on all items of revenue, other than land revenue, on which education cess is leviable, in the same manner in which the education cess on the said items of revenue is recovered.

The head to which cess has to be credited.

5. (1) The health cess collected on items of land revenue and excise revenue shall be credited in the Treasuries under the Head "XXVIII. Public Health, Miscellaneous (a) Health Cess."

(2) The health cess collected on items of Forest Revenue shall be accounted for in the Forest Divisional Accounts under the head specified in sub-rule (1).

6. (1) The health cess collected on the items of revenue of local authorities, namely :— Cess collected by Local Authorities.

(*i*) taxes on buildings and lands;

(*ii*) taxes on vehicles and animals ; and

(*iii*) profession tax and shop tax, shall be credited to the head specified in sub-rule (1) of rule 5 in the Treasury Accounts daily, or, as and when collections are made.

(2) The Controller, State Accounts Department, shall examine during local audit whether the health cess is being properly collected and credited to Government.

7. The Commissioners of the City of Bangalore Municipal Corporation and the Cities of Mysore and Davangere Municipalities and the Presidents of other local bodies, the Deputy Commissioners of Districts, the Excise Commissioner and the Chief Conservator of Forests shall forward to the Director of Public Health, by the 15th of every month, monthly statements relating to the preceding month showing the demand, collection and balance of the health cess leviable on the items of revenue pertaining to their departments. The demand, collection and balance statement shall be in the form annexed to these rules. Submission of monthly statements by Collecting Officers.

8. A copy of the Treasury Schedule showing the health cess recovered on the several items of revenue as indicated in these rules shall be sent every month by the District Treasury to the Director of Public Health by the 15th of the following month. The Director of Public Health shall effect, to the extent possible, reconciliation between the figures obtained from the departments and the Treasuries and send a quarterly statement showing the progress of collections to the Secretary to Government, Finance Department. Submission of monthly statements by the treasuries.

By Order and in the name of Rajpramukh,

M. SHAMANNA,
Secretary to Government,
Finance Department.

FORM

Statement showing the Demand, Collection and Balance under the Mysore Health Cess Rules, 1952.

Sl. No.	Details of Revenue on which Health Cess is leviable	Revenue demand up to end of the month	New demand during the month	Total Revenue demand on which Health Cess is leviable (less remission which should be noted in red ink.)	Health Cess leviable		Total demand of Health Cess	Collection of Health Cess up to the end of previous month	Collection of Health Cess during the month including remission to be noted in red ink	Total	Balance
					At 0-0-6 per Re.	At 0-1-0 per Re.					
1	2	3	4	5	6	7	8	9	10	11	12
1	*Land Revenue—*										
	Detailed Heads to be specified.										
	(a)										
	(b)										
	(c) etc.										
2	*Excise—*										
	Detailed Heads to be specified.										
	(a)										
	(b)										
	(c) etc.										
	Miscellaneous.										
3	*Forest—*										
	Detailed Heads to be specified.										
	(a)										
	(b)										
	(c) etc.										
	Local Bodies—										
	Tax on buildings and lands.										
	Professional Tax										
	Tax on vehicles and animals.										

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NOTIFICATION.

No. T. 3042—R.T. 16-52-8, dated Bangalore, 13th December 1952.

In exercise of the powers conferred by Section 68 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), the Government of Mysore direct that the following further amendments be made in the Mysore Motor Vehicles and Road Traffic Rules, 1945, the draft of the same having been already published in Part IV, Section 2 (c) of the *Mysore Gazette*, dated 13th November 1952, in Notification No. T. 2548—R.T. 16-52-7, dated 5th November 1952 as required by Section 133 of the said Act.

Amendments.

I. In Chapter IV of the said Rules:—

(1) The second sentence in Rule 127 beginning from the words, 'The Regional Transport Authority' and ending with the words, "the date of Notification in the Gazette" shall be omitted.

(2) The 'full-stop' at the end of Rule 143-A shall be substituted by a 'Comma' and the words "and in the *Mysore Gazette*" added after the 'Comma.'

(3) In between the words "Transport Authority" and "not less than 15 days" occurring in Rule 143-B, the words "and in the *Mysore Gazette*" shall be inserted.

II. Chapter IX shall be omitted.

By Order and in the name of the Rajpramukh,

L. MUNISWAMY,
Secretary to Government,
Education Department.

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NOTIFICATION.

No. L.S. 4834-35—L.W. 81-52-4, Bangalore, dated 11th December 1952.

In exercise of the powers conferred by sub-section 3 of Section 1 of the Mysore Shops and Establishments Act, 1948 (Mysore Act 11 of 1948), the Government of Mysore are pleased to direct that all the provisions of the said Act shall come into force in Bhadravati Town with effect from 1st January 1953.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

CORRIGENDUM.

No. L.S. 4836—L.W. 39-52-15, Bangalore, dated 11th December 1952.

In Notification No. L.S. 3987—L.W. 39-52-13, dated 18th October 1952, published at page 465 in Part IV—Section 2-C of the *Mysore Gazette*, dated 23rd October 1952, *for* the words "Draft Amendment" occurring as the heading, *read* "Amendments".

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. E. 12035--B. R. 6-52-2, Bangalore, dated 13th December 1952.

The following draft of certain amendment to the Rules for the Prohibition of Beggary, 1947, which the Government of Mysore propose to make in exercise of the powers conferred by Section 38 of the Act for the Prohibition of Beggary, 1944 (Act No. XXXIII of 1944), is hereby published as required by sub-section (3) of the said section of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the proposed amendment will be taken into consideration on or after 10th January 1953.

Any objection or suggestion which may be received by the Secretary, Central Relief Committee, Old Public Offices, Bangalore-1, from any person with respect to the proposed amendment before the date specified will be considered by the Government of Mysore.

Draft Amendment.

In the said rules,

after rule 48 the following rule shall be inserted :—

"48-A. For the purposes of Section 22, beggars who are foreigners shall be removed outside the State by a Police Officer or a person authorised under sub-section (1) of Section 12, by such route or routes as the Magistrate may direct in each case."

Explanation.—For the purposes of the rule "foreigner" means a person who has not acquired a domicile in the State".

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 4678—L.W. 318-51-6, dated Bangalore, 22nd December 1952.

WHEREAS the Government of Mysore is satisfied that public interest requires the declaration of the Iron and Steel Industry in the State to be a public utility service;

NOW, THEREFORE, in exercise of the powers conferred by sub-clause (vi) of Clause (*n*) of Section 2 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are pleased to declare the said Iron and Steel Industry to be a public utility service for the purposes of the said Act for a period of six months from the 1st day of January 1953.

By Order and in the name of the Rajpramukh,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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ELECTION COMMISSION, INDIA.

1-Aurangzeb Road, New Delhi.

Notification No. MY-A—52 (121) New Delhi, dated 3rd December 1952.

It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951, (XLIII of 1951) incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (26) dated the 29th April 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively :—

Shrimati Thayamma Veerannagowda,
Garden House, Maddur,
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

1-Aurangzeb Road, New Delhi.

Notification No. MY-A—52 (122) New Delhi, dated 4th December 1952.

It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A 52 (14), dated the 24th April, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively :—

Shri C. Rangappa Gowda,
Advocate,
687, Chikpet,
Bangalore City.

P. N. SHINGHAL,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

1-Aurangzeb Road, New Delhi.

Notification No. MY-A-52 (123) New Delhi, dated 4th December 1952.

It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (12), dated the 22nd April 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively :—

Shri G. K. Venkataramiah,
House No. 5,
Gownipalle,
Srinivasapur Taluk,
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

1-Aurangzeb Road, New Delhi.

Notification No. MY-A-52 (126) New Delhi, dated 5th December 1952.

It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (48), dated the 7th May, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively :—

Shri U. K. Kalappa,
No. 95, Old Madras Road,
Ulsoor,
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

1-Aurangzeb Road, New Delhi.

Notification No. MY-A—52 (124) New Delhi, dated 6th December 1952.

It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (4), dated the 24th April, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively :—

Shri K. P. Revannasiddappa,
3, Kanchaghatta Village,
Kasaba Hobli,
Tiptur Taluk.
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

1-Aurangzeb Road, New Delhi.

CORRIGENDUM.

No. MY-A—52 (125), New Delhi, dated 8th December 1952.

In each of the Commission's Notifications Nos. MY-A—52 (71), dated the 2nd September, 1952 and MY-A—52 (72), dated the 3rd September, 1952, published at page 1 of the *Mysore Gazette* Extraordinary dated the 17th September, 1952,

for " persons whose names and addresses ",
read " person whose name and address ".

P. N. SHINGHAL,
Secretary to the Election Commission.

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ELECTION COMMISSION, INDIA.

1-Aurangzeb Road, New Delhi.

Notification No. MY-A—52 (127) New Delhi, dated 10th December 1952.

It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-A—52 (14), dated the 24th April, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively :—

Shri B. L. Chenne Gowda,
Boohali,
Sathanoor Hobli,
Kankanhalli Taluk,
Mysore State.

P. N. SHINGHAL,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

1-Aurangzeb Road, New Delhi.

Notification No. MY-LC—52 (11) New Delhi, dated 12th December 1952.

It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. MY-LC—52 (4), dated the 7th July, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively :—

Shri M. N. Ramachandra Jois,
2940/1, Temple Road,
V. V. Mohalla, Mysore.

P. N. SHINGHAL,
Secretary to the Election Commission.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. Fl.(B) 10890-990—T.S. 17-52-1, dated Bangalore, 19th December 1952.

In exercise of the powers conferred by section 6 of Mysore Health Cess Act, 1951 (Mysore Act XVIII of 1951) and in supersession of Government Notification No. M. 17627—P.H. 46-51-5, dated the 28th December 1951, the Government of Mysore are pleased to make the following rules :—

1. These Rules may be called the Mysore Health Cess Rules, 1952. Title.

2. In these rules, Definitions.

(1) "Act" means the Mysore Health Cess Act, 1951 ;

(2) "Section" and "Sub-section" mean a section and sub-section of the Act ;

(3) All other expression shall have the meanings respecively assigned to them in the Act.

3. The health cess levied under the Act shall be calculated on whole rupees and not on any fraction of a rupee. Levy of cess only on whole rupees.

4. The health cess levied under sub-section (1) of section 3 shall be recovered in the following manner, namely :— Mode of recovery of cess.

(*i*) on all items of land revenue in the same manner in which the said items of land revenue are recovered ;

(*ii*) on all items of revenue, other than land revenue, on which education cess is leviable, in the same manner in which the education cess on the said items of revenue is recovered.

5. (1) The health cess collected on items of land revenue and excise revenue shall be credited in the Treasuries under the Head "XXVIII. Public Health, Miscellaneous (a) Health Cess." The head to which cess has to be credited.

(2) The health cess collected on items of Forest Revenue shall be accounted for in the Forest Divisional Accounts under the head specified in sub-rule (1).

Cess collected by Local Authorities.

6. (1) The health cess collected on the items of revenue of local authorities, namely :—

(*i*) taxes on buildings and lands;

(*ii*) taxes on vehicles and animals; and

(*iii*) profession tax and shop tax, shall be credited to the head specified in sub-rule (1) of rule 5 in the Treasury Accounts daily, or, as and when collections are made.

(2) The Controller, State Accounts Department, shall examine during local audit whether the health cess is being properly collected and credited to Government.

Submission of monthly statements by Collecting Officers.

7. The Commissioners of the City of Bangalore Municipal Corporation and the Cities of Mysore and Davangere Municipalities and the Presidents of other local bodies, the Deputy Commissioners of Districts, the Excise Commissioner and the Chief Conservator of Forests shall forward to the Director of Public Health, by the 15th of every month, monthly statements relating to the preceding month showing the demand, collection and balance of the health cess leviable on the items of revenue pertaining to their departments. The demand, collection and balance statement shall be in the form annexed to these rules.

Submission of monthly statements by the treasuries.

8. A copy of the Treasury Schedule showing the health cess recovered on the several items of revenue as indicated in these rules shall be sent every month by the District Treasury to the Director of Public Health by the 15th of the following month. The Director of Public Health shall effect, to the extent possible, reconciliation between the figures obtained from the departments and the Treasuries and send a quarterly statement showing the progress of collections to the Secretary to Government, Finance Department.

By Order and in the name of Rajpramukh,

M. SHAMANNA,
Secretary to Government,
Finance Department.

FORM

Statement showing the Demand, Collection and Balance under the Mysore Health Cess Rules, 1952.

Sl. No.	Details of Revenue on which Health Cess is leviable	Revenue demand up to end of the month	New demand during the month	Total Revenue demand on which Health Cess is leviable (less remission which should be noted in red ink.)	Health Cess leviable		Total demand of Health Cess	Collection of Health Cess up to the end of previous month	Collection of Health Cess during the month including remission to be noted in red ink	Total	Balance
					At 0-0-6 per Re.	At 0-1-0 per Re.					
1	2	3	4	5	6	7	8	9	10	11	12
1	*Land Revenue*—										
	Detailed Heads to be specified.										
	(a)										
	(b)										
	(c) etc.										
2	*Excise*—										
	Detailed Heads to be specified.										
	(a)										
	(b)										
	(c) etc.										
	Miscellaneous.										
3	*Forest*—										
	Detailed Heads to be specified.										
	(a)										
	(b)										
	(c) etc.										
	Local Bodies—										
	Tax on buildings and lands.										
	Professional Tax										
	Tax on vehicles and animals.										

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NOTIFICATION.

No. FL. 7520—S.T. 123-52-4, Bangalore, dated 19th December 1952.

In exercise of the powers conferred by Section 6 (1) of the Mysore Sales Tax Act, 1948 (Mysore Act No. XLVI of 1948), the Government of Mysore are pleased to direct that the sale of "Sharana Sahitya" a Kannada journal shall be exempt throughout Mysore from payment of tax under the said Act.

By Order and in the name of the Rajpramukh,

M. SHAMANNA,
Secretary to Government,
Finance Department.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. M. 19493—P.H. 87-52-2, dated Bangalore, 24th December 1952.

The following draft of certain rules which the Government of Mysore propose to make in exercise of the powers conferred by sub-section (3) of Section 117 and Section 129 of the Mysore Public Health Act, 1944 (Mysore Act X of 1944), is published as required by sub-section (1) of Section 131 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 15th February 1953.

Any objections or suggestions which may be received by the Secretary to Government, Home and Revenue Departments, Old Public Offices, Bangalore-1, from any person with respect to the said draft before the date specified, will be considered by the Government of Mysore:—

DRAFT RULES.

1. (1) These rules may be called the Mysore (Notified Fairs and Festival Centres) Pilgrim Tax Rules, 1953.

(2) They shall apply only to those local areas or part or parts of a local area which have been declared as notified fairs or festival centres under sub-section (1) of Section 116 of the Act.

(3) They shall remain in force in a notified fair or festival centre commencing from such periods as may, by notification, be specified by the Government, from time to time, in respect of each notified fair or festival.

2. In these rules, unless there is anything repugnant in the subject or context,

(a) "Act" means the Mysore Public Health Act, 1944;

(b) "Fair or Festival" means fair, festival or jathra, religious or otherwise, private or public, in connection with which a notification under sub-section (1) of Section 116 of the Act has been issued;

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(c) "Government" means the Government of Mysore;

(d) "appropriate authority" means, in the case of a notified fair or festival whether private or managed by a District Board or a Municipal Council, the President of the District Board or the Municipal Council concerned in whose jurisdiction such fair or festival is held or any person to whom the President of the District Board or Municipal Council has delegated powers to supervise the arrangements connected with such fair or festival; and in the case of notified fair or festival managed by the Government or by a Committee appointed by the Government, the Deputy Commissioner of the District within whose jurisdiction the notified fair or festival is held;

(e) "Tax" means the pilgrim tax imposed under sub-section (1) of Section 117 of the Act.

3. (1) The Deputy Commissioner in the case of notified fairs and festivals managed by the Government or by a Committee appointed by Government, and the President of the Municipal Council or the District Board concerned, in the case of other notified fairs and festivals, whether private or managed by a Municipal Council or District Board may request the Government to issue a notification under sub-section (1) of Section 117 for the levy of pilgrim tax if they consider that the levy of such tax is necessary for collecting funds to meet the expenditure connected with health, sanitary, medical and other arrangements necessary for the convenience, welfare and safety of the public visiting such fair or festival.

(2) Every communication to the Government under sub-rule (1) shall contain the following particulars, namely :—

(i) the rate at which it is proposed to levy pilgrim tax;

(ii) the probable amount that may be realised by levy of pilgrim tax;

(iii) the budget of expenditure towards (a) sanitary arrangements, (b) arrangements for maintenance of public health and prevention of epidemics, (c) medical arrangements for the treatment of sick persons, (d) measures proposed for supply of water for drinking and other purposes, (e) measures proposed for the proper accommodation of pilgrims and visitors, (f) measures proposed for the prevention of breach of the peace and security of life and property, (g) other measures necessary for convenience of the visiting public including the matters specified in Section 120, and (h) the proposed mode of collection of the tax.

4. (1) On receipt of a communication under Rule 3, the Government if satisfied that the levy of the pilgrim tax is necessary, may issue a notification under sub-section (1) of Section 117.

(2) On the issue of a notification referred to in sub-rule (1), during such period as is specified in such notification, every person

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATION.

No. M. 19432—P.H. 87-52-3, Bangalore, dated 22nd—24th December 1952.

The following draft of certain rules which the Government of Mysore propose to make in exercise of the powers conferred by sub-section (2) of Section 118 and Section 129 of the Mysore Public Health Act, 1944 (Mysore Act X of 1944), is published as required by sub-section (1) of Section 131 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 15th February 1953.

Any objections or suggestions which may be received by the Secretary to Government, Revenue and Home Departments, Old Public Offices, Bangalore, from any person with respect to the said draft before the date specified, will be considered by the Government of Mysore.

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DRAFT RULES.

1. (1) These rules may be called the Mysore (Notified Fairs and Festival Centres) Tolls on Vehicles and Animals Rules.

(2) They shall apply only to those local areas or part or parts of a local area which have been declared as notified fairs or festival centres under Section (1) of Section 116 of the Act.

(3) They shall remain in force in a notified fair or festival centre only during the period for which tolls are authorised to be levied in such fair or centre by the notification issued under sub-section (1) of section 118 of the Act.

2. In these rules unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Mysore Public Health Act, 1944;

(*b*) "Government" means the Government of Mysore;

(*c*) "Notified fair or festival" means fair or festival or jathra, religious or otherwise, private or public, in connection with which a notification under sub-section (1) of Section 116 of the Act has been issued.

(*d*) "Appropriate authority" means the local authority within whose jurisdiction a notified fair or festival is held or if it is held within the jurisdiction of the two or more local authorities, the person or committee appointed by such local authorities jointly under the provisions of Section 120 of the Act; or in the case of private jathras, fairs or festivals, the individual or committee responsible for the conduct of these private jathras, fairs or festivals.

(*e*) "Sale Officer" means the person appointed by the responsible authority to receive and sell properties seized and detailed in pursuance of the provisions of sub-rule (1) of rule 4.

Explanation I.—Any officer or servant of the local authority or authorities within whose jurisdiction a fair or festival is held may be appointed as the Sale Officer.

Explanation II.—In cases where the appropriate authority happens to be a single individual, such individual may be appointed as the Sale Officer.

Explanation III.—In cases where a committee is appointed as the appropriate authority, a member of such committee may be appointed as the Sale Officer.

3. (1) The appropriate authority may construct toll-bars and toll-stations on or within the limits of the notified fair or festival

centre, or within any place within such distance of the centre of the fair or festival as may be specified in the notification, and

(a) may place the collection of the tolls under the management of such persons as it thinks fit, or

(b) may farm them out on such terms and conditions as it thinks fit, with liberty to the farmer to exercise all or any of the powers conferred by or under the Act, and any rules or bye-laws framed thereunder, for the levy and collection of tolls.

(2) The appropriate authority may, whether the tolls have been farmed out or not, compound with any person living within the limits of the notified fair or festival centre for a certain sum to be paid in lieu of all tolls payable under the provisions of Section 118 of the Act.

4. (1) If the toll leviable on a vehicle or animal is not paid on demand, the person appointed to collect it, may seize and detain such portion of the appurtenances or load to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the vehicle or animal.

(2) All property seized under sub-rule (1) shall be sent within 24 hours to the Sale Officer and he shall give notice forthwith to the owner of the property seized, or, if the owner is not known, or is not resident within the notified fair or festival centre to the person who was in charge of the said property at the time when it was seized or, if such person cannot be found, publish by beat of drum within the notified fair or festival centre, that after the expiry of three days, exclusive of Sunday from the date of service or publication of such notice, the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the owner of the property seized, or the person who was in charge of the said property at the time when it was seized, tenders to the sale officer,—

(i) the amount due on account of the toll;

(ii) such sum not exceeding the amount of the toll as the appropriate authority may direct by way of penalty; and

(iii) a sum of 8 annas on account of charges incurred in connection with the seizure and detention of the property,

the property shall forthwith be released,

5. (1) If no such tender is made, the property may be sold.

(2) From the proceeds of the sale, a sum of one rupee shall be deducted on account of charges incurred in connection with the seizure, detention and sale of the property.

(3) The balance shall be applied first in payment of the penalty referred to in clause (ii) of sub-rule (3); secondly, in payment of the amount due on account of the toll and lastly, the residue, if any, shall be paid to the owner of the property, or the person who was in charge of the said property at the time when it was seized.

6. No person shall with intent to evade payment of toll, cause a vehicle or animal—

(*a*) to pass a toll station in a rapid or surreptitious manner;

(*b*) to pass a toll station without stopping if he is required by the toll-keeper to stop; or

(*c*) to leave a street on which a toll station has been placed and pass over any adjacent land, not being either a public street or land of which such person is the owner or occupier.

7. At every toll-bar, or toll-station, a copy of the notification published under sub-section (1) of Section 118 of the Act shall be put up legibly written or painted in English and in Kannada in a conspicuous place near such toll-bar or toll-station and in the absence of such notification, no toll shall be leviable at such toll-bar or station.

8. Any Police Officer on duty at the fair or festival area, shall render all reasonable and necessary help whenever so required by any responsible authority, sale officer or person appointed to collect tolls, while on duty.

9. Whoever contravenes the provisions of Rule 5 or otherwise tries to evade the payment of tolls or offers resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid shall be punishable with fine which may extend to one hundred rupees.

Note.—(1) The term "Vehicle" ordinarily means a carriage or conveyance of any kind (other than a motor vehicle) *used on land.* The expression "vehicle" used in Section 118 of the Act does not include a ferry boat.

(2) The tolls cannot be levied under Section 118 of the Act on ferry boats and other vessels *used on waterways.*

By Order and in the name of the Rajpramukh,

G. N. NAGARAJA RAO,
Secretary to Government,
Home and Revenue Departments.

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leaving the notified fair or festival centre or any place within such distance therefrom as is specified in such notification, shall be bound to pay the tax imposed to the Responsible Authority or to any person appointed by the Responsible Authority to collect the tax.

5. The tax shall be collected by the appropriate authority.

6. The appropriate authority shall construct, in suitable places, stations for collection of the tax and shall appoint the necessary staff for collection of the tax.

7. Every person paying the tax shall be issued a proper receipt.

8. If any person who has left any notified fair or festival centre or any place within such distance therefrom specified in the notification under sub-section (1) of Section 117 of the Act, after payment of the pilgrim tax, returns again to such fair, centre or place where the tax is levied, he shall pay such tax again, if he leaves the fair, centre or place within the period during which the levy of the tax is in force.

9. If any person liable to pay the pilgrim tax under these rules, evades the payment of the tax, he shall be punished on conviction with fine which may extend to twenty rupees.

10. It shall be the duty of every Police Officer when called upon by the appropriate authority, or any person charged with the collection of tax, to assist the persons authorised to collect pilgrim tax and the Police Officer so assisting, may exercise all the powers, which the person authorised to collect the tax can exercise.

11. (1) All persons driving vehicles shall stop them at the stations established for the collection of the tax, when leaving the notified fair or festival centre or any place within such distance therefrom as is specified in the notification under sub-section (1) of Section 117 of the Act, to enable the appropriate authority or any person authorised by him to inspect the same.

(2) Any person who fails to stop a vehicle in contravention of sub-rule (1) shall be punished with fine which may extend to fifty rupees.

12. It shall be competent for the appropriate authority to compound the tax payable by persons who have to enter and leave a notified fair or festival centre, frequently, for consolidated payment not exceeding eight annas per person.

13. (1) The apportionment of the proceeds of the tax in the case of fairs or jathras conducted by the Government shall be on the following basis:—

> "One-third of the collection shall be made over to the District Board for necessary Sanitary, Public Health, Medical and other arrangements, the balance after defraying expenditure incurred for collection of tax shall be credited to the funds of the Institution in respect of which the fair or festival was held."

(2) In the case of notified fairs and festivals managed by a District Board or a Municipal Council, the District Board or the

Municipal Council concerned, shall make over to the Institution in respect of which the fair or festival was held, one-third of the gross proceeds of the tax and credit the balance to the District Fund or the Municipal Fund concerned.

(3) In the case of private fairs and festivals, the District Board or Municipal Council, as the case may be, shall pay to the Institution or person responsible for the fair or festival, half the proceeds of the tax, if any, remaining over, after all the expenditure connected with sanitary, medical, health and other arrangements have been met.

(4) In the case of any dispute between such private person or Institution and the District Board or the Municipal Council, as the case may be, regarding the apportionment of the proceeds of the tax, the Deputy Commissioner shall enquire into the matter and by order apportion the proceeds. An appeal shall lie to the Muzrai Commissioner against the order of the Deputy Commissioner and the decision of the Muzrai Commissioner, unless revised by the Government, shall be final.

14. In the case of any notified fair or festival held in any Municipality, the District Board of the District shall not be entitled to any share of the pilgrim tax.

15. In the case of any notified fair or festival held in any area within the jurisdiction of any Village Panchayet, if the Village Panchayet desires to take over the management of such fair or festival, it may do so subject to the condition that the entire expenditure shall be borne by it and no expenditure in that behalf shall devolve on the District Board. When a Village Panchayet undertakes to manage a notified fair or festival, the apportionment of the proceeds of the tax shall be made in accordance with sub-rules (2) and (3) of Rule 13, as the case may be, and disputes in respect of apportionment shall be determined in accordance with sub-rule (4) of Rule 13, as if references in the said sub-rules to a District Board were references to a Village Panchayet.

16. All disputes regarding any matter relating to the levy or collection and utilisation of pilgrim tax between the Deputy Commissioner or any local authority, or between two or more local authorities, or between the Deputy Commissioner and a local authority or any private person in respect of a private notified fair and festival, shall be adjudicated by the Muzrai Commissioner. An appeal shall lie to the Government against the orders of the Muzrai Commissioner.

By Order and in the name of the Rajpramukh,

G. N. NAGARAJA RAO,
Secretary to Government,
Home and Revenue Departments

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. M. 19493—P.H. 87-52-2, dated Bangalore, 24th December 1952.

The following draft of certain rules which the Government of Mysore propose to make in exercise of the powers conferred by sub-section (3) of Section 117 and Section 129 of the Mysore Public Health Act, 1944 (Mysore Act X of 1944), is published as required by sub-section (1) of Section 131 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 15th February 1953.

Any objections or suggestions which may be received by the Secretary to Government, Home and Revenue Departments, Old Public Offices, Bangalore-1, from any person with respect to the said draft before the date specified, will be considered by the Government of Mysore:—

DRAFT RULES.

1. (1) These rules may be called the Mysore (Notified Fairs and Festival Centres) Pilgrim Tax Rules, 1953.

(2) They shall apply only to those local areas or part or parts of a local area which have been declared as notified fairs or festival centres under sub-section (1) of Section 116 of the Act.

(3) They shall remain in force in a notified fair or festival centre commencing from such periods as may, by notification, be specified by the Government, from time to time, in respect of each notified fair or festival.

2. In these rules, unless there is anything repugnant in the subject or context,

(*a*) "Act" means the Mysore Public Health Act, 1944;

(*b*) "Fair or Festival" means fair, festival or jathra, religious or otherwise, private or public, in connection with which a notification under sub-section (1) of Section 116 of the Act has been issued;

(c) "Government" means the Government of Mysore;

(d) "appropriate authority" means, in the case of a notified fair or festival whether private or managed by a District Board or a Municipal Council, the President of the District Board or the Municipal Council concerned in whose jurisdiction such fair or festival is held or any person to whom the President of the District Board or Municipal Council has delegated powers to supervise the arrangements connected with such fair or festival; and in the case of notified fair or festival managed by the Government or by a Committee appointed by the Government, the Deputy Commissioner of the District within whose jurisdiction the notified fair or festival is held;

(e) "Tax" means the pilgrim tax imposed under sub-section (1) of Section 117 of the Act.

3. (1) The Deputy Commissioner in the case of notified fairs and festivals managed by the Government or by a Committee appointed by Government, and the President of the Municipal Council or the District Board concerned, in the case of other notified fairs and festivals, whether private or managed by a Municipal Council or District Board may request the Government to issue a notification under sub-section (1) of Section 117 for the levy of pilgrim tax if they consider that the levy of such tax is necessary for collecting funds to meet the expenditure connected with health, sanitary, medical and other arrangements necessary for the convenience, welfare and safety of the public visiting such fair or festival.

(2) Every communication to the Government under sub-rule (1) shall contain the following particulars, namely :—

(i) the rate at which it is proposed to levy pilgrim tax;

(ii) the probable amount that may be realised by levy of pilgrim tax;

(iii) the budget of expenditure towards (a) sanitary arrangements, (b) arrangements for maintenance of public health and prevention of epidemics, (c) medical arrangements for the treatment of sick persons, (d) measures proposed for supply of water for drinking and other purposes, (e) measures proposed for the proper accommodation of pilgrims and visitors, (f) measures proposed for the prevention of breach of the peace and security of life and property, (g) other measures necessary for convenience of the visiting public including the matters specified in Section 120, and (h) the proposed mode of collection of the tax.

4. (1) On receipt of a communication under Rule 3, the Government if satisfied that the levy of the pilgrim tax is necessary, may issue a notification under sub-section (1) of Section 117.

(2) On the issue of a notification referred to in sub-rule (1), during such period as is specified in such notification, every person

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NOTIFICATION.

No. M. 19432—P.H. 87-52-3, Bangalore, dated 22nd—24th December 1952.

The following draft of certain rules which the Government of Mysore propose to make in exercise of the powers conferred by sub-section (2) of Section 118 and Section 129 of the Mysore Public Health Act, 1944 (Mysore Act X of 1944), is published as required by sub-section (1) of Section 131 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 15th February 1953.

Any objections or suggestions which may be received by the Secretary to Government, Revenue and Home Departments, Old Public Offices, Bangalore, from any person with respect to the said draft before the date specified, will be considered by the Government of Mysore.

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DRAFT RULES.

1. (1) These rules may be called the Mysore (Notified Fairs and Festival Centres) Tolls on Vehicles and Animals Rules.

(2) They shall apply only to those local areas or part or parts of a local area which have been declared as notified fairs or festival centres under Section (1) of Section 116 of the Act.

(3) They shall remain in force in a notified fair or festival centre only during the period for which tolls are authorised to be levied in such fair or centre by the notification issued under sub-section (1) of section 118 of the Act.

2. In these rules unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Mysore Public Health Act, 1944;

(*b*) "Government" means the Government of Mysore;

(*c*) "Notified fair or festival" means fair or festival or jathra, religious or otherwise, private or public, in connection with which a notification under sub-section (1) of Section 116 of the Act has been issued.

(*d*) "Appropriate authority" means the local authority within whose jurisdiction a notified fair or festival is held or if it is held within the jurisdiction of the two or more local authorities, the person or committee appointed by such local authorities jointly under the provisions of Section 120 of the Act; or in the case of private jathras, fairs or festivals, the individual or committee responsible for the conduct of these private jathras, fairs or festivals.

(*e*) "Sale Officer" means the person appointed by the responsible authority to receive and sell properties seized and detailed in pursuance of the provisions of sub-rule (1) of rule 4.

Explanation I.—Any officer or servant of the local authority or authorities within whose jurisdiction a fair or festival is held may be appointed as the Sale Officer.

Explanation II.—In cases where the appropriate authority happens to be a single individual, such individual may be appointed as the Sale Officer.

Explanation III.—In cases where a committee is appointed as the appropriate authority, a member of such committee may be appointed as the Sale Officer.

3. (1) The appropriate authority may construct toll-bars and toll-stations on or within the limits of the notified fair or festival

centre, or within any place within such distance of the centre of the fair or festival as may be specified in the notification, and

(*a*) may place the collection of the tolls under the management of such persons as it thinks fit, or

(*b*) may farm them out on such terms and conditions as it thinks fit, with liberty to the farmer to exercise all or any of the powers conferred by or under the Act, and any rules or bye-laws framed thereunder, for the levy and collection of tolls.

(2) The appropriate authority may, whether the tolls have been farmed out or not, compound with any person living within the limits of the notified fair or festival centre for a certain sum to be paid in lieu of all tolls payable under the provisions of Section 118 of the Act.

4. (1) If the toll leviable on a vehicle or animal is not paid on demand, the person appointed to collect it, may seize and detain such portion of the appurtenances or load to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the vehicle or animal.

(2) All property seized under sub-rule (1) shall be sent within 24 hours to the Sale Officer and he shall give notice forthwith to the owner of the property seized, or, if the owner is not known, or is not resident within the notified fair or festival centre to the person who was in charge of the said property at the time when it was seized or, if such person cannot be found, publish by beat of drum within the notified fair or festival centre, that after the expiry of three days, exclusive of Sunday from the date of service or publication of such notice, the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the owner of the property seized, or the person who was in charge of the said property at the time when it was seized, tenders to the sale officer,—

(i) the amount due on account of the toll;

(ii) such sum not exceeding the amount of the toll as the appropriate authority may direct by way of penalty; and

(iii) a sum of 8 annas on account of charges incurred in connection with the seizure and detention of the property,

the property shall forthwith be released,

5. (1) If no such tender is made, the property may be sold.

(2) From the proceeds of the sale, a sum of one rupee shall be deducted on account of charges incurred in connection with the seizure, detention and sale of the property.

(3) The balance shall be applied first in payment of the penalty referred to in clause (ii) of sub-rule (3); secondly, in payment of the amount due on account of the toll and lastly, the residue, if any, shall be paid to the owner of the property, or the person who was in charge of the said property at the time when it was seized.

6. No person shall with intent to evade payment of toll, cause a vehicle or animal—

(*a*) to pass a toll station in a rapid or surreptitious manner;

(*b*) to pass a toll station without stopping if he is required by the toll-keeper to stop; or

(*c*) to leave a street on which a toll station has been placed and pass over any adjacent land, not being either a public street or land of which such person is the owner or occupier.

7. At every toll-bar, or toll-station, a copy of the notification published under sub-section (1) of Section 118 of the Act shall be put up legibly written or painted in English and in Kannada in a conspicuous place near such toll-bar or toll-station and in the absence of such notification, no toll shall be leviable at such toll-bar or station.

8. Any Police Officer on duty at the fair or festival area, shall render all reasonable and necessary help whenever so required by any responsible authority, sale officer or person appointed to collect tolls, while on duty.

9. Whoever contravenes the provisions of Rule 5 or otherwise tries to evade the payment of tolls or offers resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid shall be punishable with fine which may extend to one hundred rupees.

Note.—(1) The term "Vehicle" ordinarily means a carriage or conveyance of any kind (other than a motor vehicle) *used on land.* The expression "vehicle" used in Section 118 of the Act does not include a ferry boat.

(2) The tolls cannot be levied under Section 118 of the Act on ferry boats and other vessels *used on waterways.*

By Order and in the name of the Rajpramukh,

G. N. NAGARAJA RAO,
Secretary to Government,
Home and Revenue Departments.

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leaving the notified fair or festival centre or any place within such distance therefrom as is specified in such notification, shall be bound to pay the tax imposed to the Responsible Authority or to any person appointed by the Responsible Authority to collect the tax.

5. The tax shall be collected by the appropriate authority.

6. The appropriate authority shall construct, in suitable places, stations for collection of the tax and shall appoint the necessary staff for collection of the tax.

7. Every person paying the tax shall be issued a proper receipt.

8. If any person who has left any notified fair or festival centre or any place within such distance therefrom specified in the notification under sub-section (1) of Section 117 of the Act, after payment of the pilgrim tax, returns again to such fair, centre or place where the tax is levied, he shall pay such tax again, if he leaves the fair, centre or place within the period during which the levy of the tax is in force.

9. If any person liable to pay the pilgrim tax under these rules, evades the payment of the tax, he shall be punished on conviction with fine which may extend to twenty rupees.

10. It shall be the duty of every Police Officer when called upon by the appropriate authority, or any person charged with the collection of tax, to assist the persons authorised to collect pilgrim tax and the Police Officer so assisting, may exercise all the powers, which the person authorised to collect the tax can exercise.

11. (1) All persons driving vehicles shall stop them at the stations established for the collection of the tax, when leaving the notified fair or festival centre or any place within such distance therefrom as is specified in the notification under sub-section (1) of Section 117 of the Act, to enable the appropriate authority or any person authorised by him to inspect the same.

(2) Any person who fails to stop a vehicle in contravention of sub-rule (1) shall be punished with fine which may extend to fifty rupees.

12. It shall be competent for the appropriate authority to compound the tax payable by persons who have to enter and leave a notified fair or festival centre, frequently, for consolidated payment not exceeding eight annas per person.

13. (1) The apportionment of the proceeds of the tax in the case of fairs or jathras conducted by the Government shall be on the following basis:—

> "One-third of the collection shall be made over to the District Board for necessary Sanitary, Public Health, Medical and other arrangements, the balance after defraying expenditure incurred for collection of tax shall be credited to the funds of the Institution in respect of which the fair or festival was held."

(2) In the case of notified fairs and festivals managed by a District Board or a Municipal Council, the District Board or the

Municipal Council concerned, shall make over to the Institution in respect of which the fair or festival was held, one-third of the gross proceeds of the tax and credit the balance to the District Fund or the Municipal Fund concerned.

(3) In the case of private fairs and festivals, the District Board or Municipal Council, as the case may be, shall pay to the Institution or person responsible for the fair or festival, half the proceeds of the tax, if any, remaining over, after all the expenditure connected with sanitary, medical, health and other arrangements have been met.

(4) In the case of any dispute between such private person or Institution and the District Board or the Municipal Council, as the case may be, regarding the apportionment of the proceeds of the tax, the Deputy Commissioner shall enquire into the matter and by order apportion the proceeds. An appeal shall lie to the Muzrai Commissioner against the order of the Deputy Commissioner and the decision of the Muzrai Commissioner, unless revised by the Government, shall be final.

14. In the case of any notified fair or festival held in any Municipality, the District Board of the District shall not be entitled to any share of the pilgrim tax.

15. In the case of any notified fair or festival held in any area within the jurisdiction of any Village Panchayet, if the Village Panchayet desires to take over the management of such fair or festival, it may do so subject to the condition that the entire expenditure shall be borne by it and no expenditure in that behalf shall devolve on the District Board. When a Village Panchayet undertakes to manage a notified fair or festival, the apportionment of the proceeds of the tax shall be made in accordance with sub-rules (2) and (3) of Rule 13, as the case may be, and disputes in respect of apportionment shall be determined in accordance with sub-rule (4) of Rule 13, as if references in the said sub-rules to a District Board were references to a Village Panchayet.

16. All disputes regarding any matter relating to the levy or collection and utilisation of pilgrim tax between the Deputy Commissioner or any local authority, or between two or more local authorities, or between the Deputy Commissioner and a local authority or any private person in respect of a private notified fair and festival, shall be adjudicated by the Muzrai Commissioner. An appeal shall lie to the Government against the orders of the Muzrai Commissioner.

By Order and in the name of the Rajpramukh,

G. N. NAGARAJA RAO,
Secretary to Government,
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